



Most Common Rules Violations

- **Listings must be submitted to WPMLS within 24 hours from effective date of agreement and must be available to be shown.** Section 7:0 of the W-PMLS Rules and Regulations states that active listings must be available to be shown by cooperating brokers upon the effective date of the listing. If the property is not available to be shown, then the listing participant should submit a temporarily withdrawn status change form with the homeowner's signature. Listings where a property can't be shown until "after the broker open house," or "after the homeowner returns from vacation," could lead to a violation of Section 7:0 and could result in a \$250 fine per occurrence. In addition, if a Participant fails to place a listing in "off market" status when requested to do so by W-PMLS, then a service fee of \$50 is charged to the Participant. If the Participant still fails to put the property into "off market" status, the matter is referred to the W-PMLS Rules Committee.
- **All status changes, sales, signed contracts, price changes, cancellations and all other changes must be reported to the WPMLS within 24 hours.** Late reporting of sales (more than 24 hours) will result in an automatic \$50 fine. Please note there are no exceptions for weekends and holidays.
- **All listings must have a photo within 7 days after entry into the MLS.** If after 7 days there is no photo, the participant will receive a \$50 fine. If after 30 days there is still no photo, the participant will receive a \$100 fine and will continue to receive a \$100 fine every 30 days until a photo is added.
**Photos may not be copied from other participants' listings without the express written consent of that participant.*
- **A copy of the listing agreement must be submitted to WPMLS within 24 hours of execution.** Failure to do so will result in a \$15 fine. Here are step-by-step instructions:
 1. Go to Listings / View/Revise Your Listings
 2. Find the listing you want to fax the agreement for and click on the Revise Listing icon for it.
 3. Under the heading for Other, click on Attach External Documents.
 4. Check off Listing Agreement and then up top click on Print Cover Sheet. It is extremely important that you select Listing Agreement as it's the only one that is a "private" document – only viewable by your office and MLS staff. If you mistakenly fax in an Agency Disclosure cover page with it, then your listing agreement will be filed as such and be viewable to anyone accessing the MLS.
 5. The Cover Page window will pop up. Print it, put it in front of your agreement (it must be the first page) and then fax it to 1-866-270-4104. It is important to print and use the Cover Sheet as it contains a bar code so that the system knows where to file your agreement.
 6. Please do NOT fax the agreement to the WPMLS main fax numbers.

Note: If you have the ability to scan your agreement into a PDF, then you can upload it instead of faxing it. Follow steps 1 – 3 above and then at Step 4, click on Upload PDF instead.

*In order to insure that the fax transmission or upload was successful, listings should be checked. You may access attached documents by clicking on "show attached documents" located in the listing quick change menu.

- **All listings must include the owners name unless the owner requests that their name be withheld.** This documentation may be accomplished by incorporating the instruction into the listing agreement or by faxing a note to the WPMLS signed by the owner.

- **All listings filed with WPMLS must include compensation to cooperating brokers.** The compensation specified on listings must be shown in one of the following forms:
 1. by showing a percentage of the gross selling price
 2. by showing a definite dollar amount

Listings in which the “tenant pays the commission” are not allowed in the WPMLS. There can be no expectation on the part of the listing office that the cooperating agent will collect compensation from the tenant and share that compensation with the listing agent.
- **WPMLS policy requires that the total gross tax amount, without STAR or other exemptions, must be entered into the estimated tax field of a listing.** You may indicate discounts in the remarks section of a listing. This policy also applies to cooperative listings – these listings should reflect the gross taxes as part of the maintenance fee and NOT indicate that the maintenance fee includes a STAR or other exemption. Violations of this policy will result in a \$50 fine.
- **Businesses for sale are not allowed in WPMLS.** The MLS is a vehicle for offering cooperation and compensation on transactions that require a real estate license in New York, i.e., REAL PROPERTY. MLS is not a place to offer fur coats, show dogs or BUSINESSES unless a warehouse, dog house or business location for lease or sale is part of the transaction. “Listings” that are business-only, without real estate, need to be removed immediately. However, listings of real property for lease or sale may include the sale of a business; this fact should be prominently noted in the Remarks section. Ideally the Asking Price should reflect just the real estate, with the value of the business reported separately in Remarks; otherwise the listing distorts the value of real estate and spoils comps and other analyses by your fellow REALTORS®. Any business-only listings that are in the system will be automatically cancelled and the Participant will receive a \$50 fine.
- **Contact information and/or self promotion is not allowed in the Marketing Remarks.** Section 7:5 of the W-PMLS Rules and Regulations states that it is a violation to insert any contact information into the Marketing Remarks section of any listing or within or in place of any property photo accompanying the listing. Consequently the listing agent’s name, phone number, company name, web site address, etc. are not allowed in the Marketing Remarks. However, you may insert this type of information in the Agent Only Remarks. Similarly, a listing photo should not be altered to include any contact information nor should you submit a photo that prominently shows your company’s "For Sale" sign. This also applies to Virtual Tour links that are placed on listings. If your Virtual Tour has ANY contact information on it or it provides a visitor with a way to contact you directly (i.e. "click here for more info"), then the link may NOT be placed on the listing. W-PMLS staff will impose a \$50 administrative fine to the listing Participant for each violation and will remove the offending contact information and/or photo.
- **Accessory / In-Law / Mother-Daughter Apartments**
 Accessory apartments, informally (and many times misleading) known as "in-law" or "mother-daughter" apartments, are not legally transferable in the city of Yonkers, nor most other cities and towns in Westchester County. WPMLS Participants should absolutely not represent or imply that a legal accessory apartment is included with the property - not in the WPMLS data form or any other representations to the public. The Department of State has been known to assess substantial fines and even revoke licenses for misrepresentations of illegal accessory apartments. The WPMLS can assess staff administered fines of \$50 in the event a participant makes mention of an illegal accessory apartment in the body of the listing. In addition, illegal accessory apartments should not be included in unit descriptions of multi-family listings.
- **Single Family PUD vs. Condominium: Entering a listing into the wrong property category will result in a \$50 fine.** Condominiums and Single Family houses have different legal descriptions of the property, and the instruments of conveyance are different. It is the responsibility of professionals in real estate to know the differences in order not to make misrepresentations to customers and clients that may have important legal and financial ramifications.
- **The use of other Participants’ Sold listings in advertising is restricted.** Public advertising any information about specific properties that were neither listed nor sold by the firm/agent that is placing the advertising is prohibited, unless the advertiser receives express permission from the listing or selling office.