



Summary of Listing Rules

LISTING INPUT – All new MLS mandatory listings must be entered in the MLS system within one (1) business day of being marketed to the public. If not entered within 1 business day, there is a fine of **\$500/day (up to \$7500)**.

If public marketing has not yet begun, listings must be entered no later than four (4) calendar days from the effective date (first day of the term) of the listing contract. If a listing is entered more than 4 days from the effective date, there is a fine of **\$100/day (up to \$2500)**.

If a seller is not yet ready to fully market or show the property, the listing must still be entered within the appropriate timeframe, but can be entered in Delayed status. It is against MLS rules to include verbiage such as “not to be entered into MLS until X” to avoid entering a listing within the required time frame.

MLS MANDATORY LISTINGS - Mandatory listings include single family, condominium, multi-family of 8 units or less, and lots & acreage listed for sale and located in the South Central WI MLS service area (Dane County and the surrounding Wisconsin counties of Adams, Columbia, Crawford, Dodge, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Lafayette, Marquette, Monroe, Richland, Rock, Sauk, Vernon, Walworth, Waushara and Wood Counties). Auction properties are optional.

BUSINESS DAY - A calendar day other than Saturdays, Sundays, any legal public holiday under Wisconsin or Federal law, and any other day designated by the President such that the postal service does not receive registered mail or make regular deliveries on that day.

COMMISSION ON ANY MLS PLATFORM - Discussion regarding commission on any MLS Platform (showingtime, emails out of paragon, reverse prospecting, associated documents, etc). If any commission information is found, there is a **\$1,000 fine for each offense**.

PUBLIC MARKETING - Public marketing includes, but is not limited to, flyers displayed in windows, yard signs, digital marketing on public facing websites, brokerage website displays (including IDX and VOW), digital communications marketing (email blasts), multi-brokerage listing sharing networks, communication which introduces the property to agents outside the listing firm, and applications available to the general public.

NOTE: The earliest a property may be advertised is the effective date of the listing contract. If any detail of a specific property, sufficient to activate the interest of a potential buyer, is publicly marketed before the effective date of the listing contract for said property, the listing agent shall be fined **\$200 per day (up to \$5000)**, from the time of advertisement until the effective date of the contract.

FIRM EXCLUSIVE LISTINGS - If a seller specifically directs that their property not be advertised, marketed, or promoted in any way to the general public or to any agent outside the listing firm, that listing is not required to be entered on the MLS. In these cases, the listing broker must submit the fully executed [Multiple Listing Options for Sellers Authorization Form](#) form along with the listing contract to the SCWMLS within 4 days of the effective date of the listing contract (Email to listings@wisre.com). There is a **\$100 per day fine (up to \$2500)** if not submitted within 4 days.

Firm exclusive listings are intended to protect the privacy of a seller who does not want a large number of people to know their home is for sale. For this reason, office exclusive listings can only be shared with the following groups:

Brokers and agents within the listing firm
Clients under buyer agency with the listing firm

If a firm exclusive listing is displayed or advertised to the general public or to agents outside the listing firm, to avoid penalty, it must be submitted to the MLS for cooperation within 1 business day. If not submitted within 1 business day, there is a fine of **\$500/day (up to \$7500)**. This includes advertising done by, or on behalf of, the seller.

Additional considerations to keep in mind Clients under buyer agency with the listing firm

- It is a violation of MLS rules to advertise **even the existence** of an office exclusive listing outside the two groups listed above.

- Any response, public or private, to a general question about a type of property that alerts anyone to the existence of an office exclusive listing is a violation of MLS rules.
- If you are privately approached about a **specific** office exclusive listing by an agent from outside your firm or by a buyer you do not have under buyer agency, you can share the listing information with them. The inquiry must identify the **exact property**, and cannot be a general question asking about a type of property. Since no advertising would have been allowed, we recommend you inquire as to how they found out about the listing, and be prepared to share that information, if asked.
- If the seller later decides they would like to market the property outside the two groups listed above, a brand new listing contract must be executed, and the listing must be entered on the MLS within the **appropriate time frame**. An amendment may not be used to “convert” an office exclusive listing to a regular listing.

Additional information & FAQs on the Clear Cooperation Policy and office exclusive listings can be found [here](#).

DELAYED/NO SHOWINGS - If a seller instructs you to withhold their new listing from the MLS for a **limited time**, that listing must still be entered into the MLS within 1 business day of marketing (or 4 days of the effective date, if marketing has not yet begun), but should be entered in a status of Delayed until such time as it is ready to fully market and show. It is against MLS rules to include verbiage such as “not to be entered into MLS until X” to avoid entering a listing within the required time frame.

The Show Date field, a valid address, and bona fide list price are required for listings in Delayed. While Delayed, photos are not required, days on market are not counted, the listing will not come up in active searches, nor will it be included on public websites via IDX feeds. Delayed listings are included in Collab Center and auto-notification emails from the MLS, as well as VOWs (virtual office websites). When sharing Delayed listing information with consumers, agents should explain that Delayed status means the property is not yet available to show and listing information may not yet be finalized.

Listings may be Delayed for an initial period of 45 days. One extension of an additional 45 days is permitted, for a maximum of 90 days in Delayed status. To request an extension, the Listing Firm must provide the MLS with an amendment signed by all parties to the contract prior to the expiration of the initial 45-day period. Properties in Delayed on day 46 (or 91) will be moved to the status of MLS Suspended after notification to the agent. Paragon does not automatically move a listing from Delayed to Active on the Show Date entered, as we realize the Show Date can, and often does change. The listing agent/office must make this change.

Listings for which the seller is not ready to show, but would like to fully expose to the public, may be entered as Active instead of Delayed. If entered as Active, the date showings will be allowed is required to appear in the first line of the public remarks. The Show Date field is optional for Active listings. If a Show Date is entered, it will restrict the ShowingTime calendar until that date. Once a listing is Active, it may not be subsequently moved to Delayed status. If a seller elects to temporarily suspend showings on an Active listing, the date showings will resume must be noted in the first line of the public remarks.

NOTE 1: All MLS mandatory listings must be made available for showings on the list date unless otherwise specified in the listing contract. If a new listing is to be entered as Delayed, or as Active with restrictions to show at a later date, nobody, including the listing firm, can show the property during the period between the effective date and entry into the MLS. The grace period for MLS entry allows time to gather information. It does not provide an opportunity to show the property if it will not be available for showings when it hits the MLS.

NOTE 2: While a listing is in the status of Delayed or Active with no showings, it cannot be shown to potential buyers by anyone, including the seller, or previewed by any agent, including the listing firm. Agents from the listing firm may be given access to the property on an individual basis only to assist the listing agent with marketing preparations (i.e. staging, offering a price opinion). Any type of group tour by the listing firm is considered a violation.

NOTE 3: There is no exception for a potential buyer who previously viewed a listing to view a listing while it is Delayed or Active with no showings. In the event an appointment to show a Delayed or Active listing was made based on the anticipated show date, and the listing is later made unavailable for showings on the date the showing is scheduled to occur, the appointment must be cancelled by the listing firm.

NOTE 4: If an estate sale/auction will be held inside any part of the home, the status must be changed to Active before it begins. This will allow the public to access the property during the sale without it being a violation. If individual showings will not begin until a later date, please include the following statement in the first line of the public remarks so the situation is clear: *Estate sale being held DATE/TIME. Individual showings begin DATE.*

Fines of up to \$15,000 and suspension of MLS services may be imposed on both the listing agent and the showing agent if found in violation.

RE-ENTERING LISTINGS - A new listing contract must be secured before a listing can be entered as new. If the MLS discovers a new listing contract was not obtained, the new listing will be deleted and the listing broker will be fined **\$50**. It is not acceptable to draft only an amendment to create a new MLS listing.

DATA ACCURACY - You are responsible for the accuracy of the data you report. No Member will intentionally insert false or misleading data. For all residential listings, the property address must be included. If an address doesn't exist, a parcel identification number can be used. Where an address or parcel identification number are unavailable, the information filed with the MLS must include a legal description of the property sufficient to describe its location. *You will be assessed a **fine of \$50** for incorrect data that is not corrected within 24 hours of notification.

PERSONAL DATA ON LISTINGS – Agent & company contact information is not allowed in public-facing sections of the MLS. This includes photos, photo labels, photo watermarks, unbranded virtual/video tours, public associated documents, public remarks, and directions. Information such as names, phone numbers, email addresses, websites, branding/logos, or instructions to contact/call anyone may not be included in these sections of an MLS listing. This restriction also applies to builder information. An exception is made for public associated documents that are **contractual** in nature (ex: RECR, addenda). Contractual documents may display the name of the listing firm, but it must be in typeface no larger than the median typeface of the document. You will be assessed a **fine of \$50 and the personal data will be removed from the listing by the SCWMLS Staff.**

ASSOCIATED DOCUMENTS - The SCWMLS requires specific associated documents for Auctions, Farms, Limited Service Listings, and Manufactured Homes with Land. *You will be assessed a **fine of \$50** for missing required Associated Documents.

PHOTOS - Photos are required for all active and sold comp listings, but exclude vacant land, commercial property and properties under construction. One photo must be an outside front view from the street (but is not required to be in the first photo position). If an active listing does not have a photo after 7 days from contractual listing date (input date for sold comps), the MLS will send a notice to the Broker and listing agent within 5 days to provide a photo. The MLS will send a photographer out to take a photo, and assess a **\$50 fee** to the listing Broker if the photo is not provided after such notice. Photo watermarks are limited to the real estate license number of the MLS Participant Broker.

Use of photos or associated documents that you do not have the right to use may lead to a fine of **\$25 per photograph/document** in addition to any legal or equitable remedies available to the copyright owner of the photograph(s)/document(s).

PRICE CHANGES & General Information Changes - When there is a change to the price or any other material condition of the original listing, it must be reported on the Paragon MLS System within 3 days. You will be assessed a **fine of \$50** for price changes and other information changes that are not done in a timely fashion.

CONCESSIONS – If the seller is offering a concession(s) to the buyer, it should be included in the MLS Remarks. Concessions should be specific as to what they are for (ie: roof repair, carpet, buyer closing costs) and must be entered as a dollar amount (not a percentage). **Concessions conditioned on the payment to a buyer's agent/firm are not allowed in the MLS.**

ACCEPTED OFFERS (PND, AC, AB statuses) - When you receive an accepted offer, you have 3 days to change the status of that listing to either Offer-Show (AC) or Offer-No Show (PND). The only exception is if there is a bump clause in the offer or a short sale situation. If there is a bump, or if the property is a short sale, you will have 3 days to either change the status to Offer-Show (AC), Offer-No Show (PND), Offer-Bump (AB), or you can leave the status as Active, but you must disclose the existence of the offer in the **first words** of the Broker to Broker remarks (Accepted Offer Bump Clause or Accepted Offer Short Sale). At the time showings are no longer being allowed on a listing with an accepted offer (whether ACT, AC, or AB status), you have 3 days to change the status to Offer-No Show (PND).

If your seller has instructed you not to disclose the existence of the offer, the status of the listing must then be changed (within 3 days) to Withdrawn by Seller until such time as the property closes, or the offer falls through. You will be assessed a **fine of \$50** for status changes that are not done in a timely fashion. In addition, if the accepted offer date is falsified to avoid the late fee, a fine of **\$100** will be assessed, in addition to the **\$50 fine**.

NOTE: Prior to closing, the cooperating (selling) broker cannot publicly market the existence of an accepted offer unless approval is granted from the listing broker. Examples of public marketing include, but are not limited to, yard signs, flyers, and social media posts.

WITHDRAWN BY SELLER - If a seller no longer wants you to market their property, but the contract has not been terminated, that listing should be put in Withdrawn by Seller status. Once a listing is moved to Withdrawn by Seller status, it is not available for anyone, including the listing company, to show and all marketing must cease (including removal of the for sale sign). Before marketing & showings can resume, one of the following must be done:

1. Execute a new listing contract, expire the previous listing in the MLS, and add a new MLS #. This option will cause the [days on market](#) (DOM) count to reset. The cumulative days on market (CDOM) will only reset if the property has been off the market for at least 31 days.
2. Execute an amendment with the direction to reactivate the listing and submit it to listings@wisre.com. MLS Staff will change the listing back to Active status. **This may only be done once per listing.** With this option, the days on market will continue to accrue.

If a listing was inadvertently moved to Withdrawn by Seller status, please contact the MLS office for assistance.

EXPIRED - If your office releases a seller from their listing contract before the expiration date, the listing must be moved to an expired status in MLS.

SOLD - Listings that are sold must have the status changed to Sold on the Paragon system within ten (10) days of the date of closing. You will be assessed **\$5/day (up to a maximum of \$100)** for sales that are not reported within 10 days of closing. In addition, if the closing date is falsified to avoid the late fee, a fine of **\$100** will be assessed, in addition to the \$5 per day fee.

LISTING RESTRICTIONS:

- All MLS listed properties can be entered only once in each applicable category. An exception can be made for properties with legally divisible parcels of land.
- Single family listings are not allowed in the Multi Family category, and multi family listings are not allowed in the Single Family category, with the exception of multi family dwellings that were originally single family dwellings and can be converted back (these may be listed in Single Family as well as Multi Family). What is required to convert it back to single family use must be clearly indicated in the public remarks.
- The Multi Family category is limited to multi-unit buildings that contain two or more separate dwelling units. An exception can be made for single unit properties that are zoned multi family. For single unit properties that are zoned multi family, the listing must have the "single family-zoned multi family" feature selected under the Type feature group.
- Farm-type properties with no residential structure are restricted to the Lots & Acreage category.
- The Lots & Acreage category is limited to vacant land, and land with buildings other than residential structures. An exception can be made for properties that have a residential structure with little or no value. Those listings can be listed under Lots & Acreage, provided the "residential structure with little or no value" feature is selected under the Improvements feature group.
- Only condos that are either stand-alone or half-duplexes are allowed to be marketed secondarily under the Single Family category. Condo fees must be listed in the public remarks and/or the annual HOA dues field and "Condominium" must be selected under the Type feature group.

- Single family residential properties may not be entered under the Condo category unless there is a shared wall or a monthly maintenance fee associated with the property. The Type feature “not a condo (single fam)” must be selected.
- Under Construction. The *estimated completion date or stage of completion* at time of listing must be included in the first line of the public remarks section of all under construction listings. Under construction properties can be entered only once, and if construction has not been started, the “building plan with lot” feature must be selected (rather than “under construction”). The MLS will delete expired listings of properties for which construction was never started.
- Legally condemned properties. A disclosure of the fact that a property is legally condemned must be included in the first line of public remarks (explanation of the reason for condemnation may be included, but is not required).
- Single Family listings that are located in a City or Village and have municipal water and municipal sewer may not be identified by the Lot Description features of “Rural-in subdivision” or “Rural-not in subdivision”.
- Properties marked with the “has actual water frontage” feature must be located on a lake, river or channel.
- If a property directly abuts waterfrontage where the shoreline is owned by another entity (i.e. a utility) who has granted the property owner authorized uses to said shoreline, the “direct access – frontage not owned” feature may be selected. The “has actual water frontage” feature may only be selected if the frontage is actually owned by the property owner.
- When submitting a manufactured home with land to the SCWMLS, you must identify the listing by selecting the Type feature “Manufactured with Land” and attach the required associated document. The words “single wide” must appear in the public remarks for listings of single wide manufactured homes.

ENTERING NON-MLS SALES - When entering non-MLS sold listings the following guidelines are to be used:

- If a FSBO is entered as a sold, select ***FSBO Comp - Not Listed*** under the Sale Factor pick list. This will cause the list agent/office to be automatically changed to ***FSBO Comp*** when the listing is saved. Please be sure to add a photo before saving, as you will no longer have access to edit the listing or add a photo after the list side is changed.
- If a one-party listing is entered as a sold, the list side should be recorded as the *actual listing agent*, and the sale side should be recorded as the *actual selling agent*. Please note “one-party listing” in the broker remarks.

OTHER SALE SITUATIONS

- If an exclusive agency listing is sold by the seller, the list side should be recorded as the *actual listing agent*, and the sale side as *Seller Sold Listing*.
- If a property sells to a seller named exception, the list side should be recorded as the *actual listing agent* and the sale side should be recorded as the *actual selling agent*, if the buyer was represented by an agent. If not, the sale side should be recorded as *Seller Sold Listing*. **After the listing is entered, email listings@wisre.com and request the list side be changed to *Seller Sold Listing*.** If the sale data is not known, the listing should be Expired and “sold to seller named exception” noted in the remarks.
- If a property sells to a named exception who is protected under a previous listing, that previous listing should be reported as sold, and any subsequent listing should be expired. It is helpful to note “sold to protected buyer under previous listing” in the remarks of the expired listing.
- For co-broke sales where an agent acts on their own behalf in purchasing an MLS listed property, the sale-side of the transaction should be recorded under the listing office. If another agent in their firm represents the agent/buyer, the sale-side of the transaction shall be recorded under the firm representing the buyer.

