



Inappropriate Language in MLS Listings Policy

This policy, in accordance with the ARMLS® Rules and Regulations is designed to help mitigate legal liability of ARMLS and its Subscribers, as well as assist Subscribers in staying within the Rules and Policies of ARMLS by using the fields in the listings as they are intended to be used.

Specific Authority and Rules Associated with this Policy

Rule 8.5 (final sentence): ARMLS may refuse to publish information that may create legal liability.

Rule 8.23 (items a to l): PHOTOGRAPHS, RENDERINGS, FLOOR PLANS, FILES, VIDEO, MEDIA. All prohibited and permitted items within Media.

Rule 11.5: LANGUAGE AND INFORMATION IN A LISTING FWA. **The Policies that govern the information and language that can be contained in a Listing that is FWA are found in the ARMLS Inappropriate Language Policy.** A copy of this Policy can be found on the ARMLS website (ARMLS.com).

Rule 11.6: INFORMATION IN PUBLIC REMARKS. Information in the Public Remarks field in the Listing shall be limited to information describing the physical traits of the listed property, its location, and the transaction preferences for the listed property. Specific prohibitions for inclusion in the Public Remarks field are further described in the Inappropriate Language Policy.

Rule 11.7: USE OF INFORMATION FIELDS. Subscribers may only enter in any field on the Profile Sheet the information required or reasonably contemplated by such field.

Therefore, all inappropriate language, as reviewed and deemed to be inappropriate by the Arizona Regional Multiple Listing Service, is prohibited from inclusion in all listings on the MLS. *In the event of any conflict between this policy and the ARMLS® Rules and Regulations, the terms of the Rules and Regulations shall govern.*

Prohibited Language

The following (beginning with item 1a) is a list of examples of inappropriate language. This list is not intended to be a complete listing of every possible instance of inappropriate language, but only a general guide as to items that must not be included in your MLS listing.

In addition to both of the Remarks fields and the Directions field, **all other fields in the listing must only have information in them for which the field is intended** (e.g. the address fields can only contain the actual address information. It must not contain anything else.)

- 1. In Public Remarks, Directions, Public Supplemental Remarks, Photographs, Virtual Tours, Videos, and Public Attachments, the following are prohibited:**
 - a. **All websites and phone numbers.** This is regardless of whether or not the phone number or web address leads a consumer to the listing agent.
 - b. **Any item that may lead someone to bypass their own contracted agent to directly seek out the listing agent are not allowed.** This includes but is not limited to: Open house or showing information. However, you may make a statement in the Public Remarks that there are no showings.
 - c. **Any items that may cause a safety issue.** This includes but is not limited to: Gate codes, lockbox information, and references to the occupants of the property or the hours they are in the home. None of those items or others that may cause a safety issue is allowed in any of the public fields. Additionally, see Section 3 for further important information about property and community access codes.
 - d. **Buyer Agent's Bonus Information.** No Agent bonus information is allowed in public fields.
 - e. **Buyer Incentives and Transactional Preferences.** Buyer incentives and seller-instructed transactional preferences shall not include inducements to work directly with any Broker other than Buyer Broker in any way. Incentives to the Prospective Purchaser and seller-instructed transactional

preferences are allowed in Public, Private or Semi-Private Remarks and all Attachments.

Transactional preferences are allowed so long as the language describes the prospective purchaser's performance requirements or action as desired by the seller. Acceptable transactional preference or buyer incentive language includes but is not limited to the following examples:

1. The property is to be sold in present condition
 2. Property subject to a limited offer and acceptance period
 3. Auction to conclude by a specific date (e.g., Month, Day, Year, or XX-XX-XXX)
 4. All offers must be submitted by specific date (e.g., by Monday)
 5. Seller will include 1-year warranty with full price offer
- f. **Directions.** The Directions field must only contain written directions to the listed property.

2. All fields

- a. **Commission Information.** All commission language **that puts a condition on the commission amount** listed in the Buyer Broker (BB) or Sub-Agent (SA) co-broke fields is prohibited from inclusion anywhere on the listing. This includes all fields and all attachments.
1. **Short Sales, REO, Auction listings:** NO CONDITIONAL COMMISSIONS ARE ALLOWED. COMMISSION REDUCTIONS AND NET SALES PRICE COMMISSIONS ARE NOT ALLOWED TO BE OFFERED THROUGH THE MLS.
 1. **If the listing broker desires or is required by an owner or third party to pay something other than the gross sales price or flat dollar amount commission offered on the listing, they must do so outside of the MLS, directly with the other broker.**
 2. You may put a statement requiring any prospective Buyer's agent to contact you before any offer is made, but you may not state that such required contact is regarding the commission.

2. **Commission information that DOES NOT put any conditions on the commission is allowed in the Private Remarks.** An example of commission language that is acceptable:

1. Look X% commission (as long as the actual BB or SA field also says X%).

- b. **Fair Housing Issues.** ARMLS removes these issues from listings, and will continue to do so whenever it is deemed by ARMLS to be language that potentially violates the Federal Fair Housing laws. Listing agents with items deemed to be in violation of Fair Housing Laws may be subject to penalties allowed under the ARMLS Rules and Regulations.

Below is a link to the United States Housing and Urban Development web site that **may** help guide you in what is acceptable and what is not.

https://www.hud.gov/program_offices/fair_housing_equal_opportunity/fair_housing_act_overview

If you are unsure if a particular phrase is allowable in your listing, please contact your broker or email the ARMLS Data Integrity Department at DI@ARMLS.com.

- c. **Social Security Numbers.** No full or partial social security numbers of any person shall be allowed in any field, or documents attached to a MLS listing or linked to such numbers from within the listing.
- d. **Title Company Language.** Any statement requiring the use of a specific title company is **prohibited** from inclusion anywhere on the listing (e.g. **Must** use XYZ Title). This includes all fields and all attachments.

You may, however, put a statement that suggests or recommends the use of a title company in the Private or Semi-Private Remarks and/or private attachments. Examples of acceptable title company language:

1. Please use Jane Doe at XYZ Title
2. Will receive a discount if XYZ Title is used
3. Must close at XYZ Title, but may purchase title insurance elsewhere.

- e. **Third-Party Promotional Language.** Notwithstanding Section 2 (d) herein, any statement requiring or promoting the use of a specific third-party entity is **prohibited** from inclusion anywhere on the listing (e.g. House stunningly cleaned and staged by XYZ Design or Listing added by XYZ Helper). Promotion is defined as language that encourages or advertises use of a third-party for goods or services. This includes all fields and all attachments.

You may, however, put a statement which discloses seller-instructed offers and closing processes in the Private or Semi-Private Remarks and/or private attachments.

1. Seller has directed offers be submitted via XYZmanagement.com

You may also put a statement which describes a property-specific feature in the Public, Private or Semi-Private Remarks and/or public or private attachments. Examples of acceptable language includes:

1. Beautiful, new XYZ Brand Pool
2. New XYZ Brand Appliances

- f. **Co-listing Arrangements.** Any language advertising or promoting a co-listing arrangement with a non-MLS Participant or non-MLS Subscriber, who is a Real Estate licensee, is prohibited from inclusion anywhere in the listing. This includes all fields and attachments. Multiple listing services are only for the benefit of MLS Subscribers.

3. **Access codes** for a property or community may only be entered into the specific access field for which they are intended. The three access code fields are named Gate Code, Alarm Code and Mech-Box Code. No access codes for a property or community may be displayed in any other field.