

# Summary of 2022 HiCentral MLS Rules & Regulations Changes

In the second half of 2022, a Rules and Regulations Task Force was formed by the HCMLS Board of Directors to examine updates and recommend changes to the Rules and Regulations. Proposed changes were solicited from Brokers, Agents, and Staff. The Task Force met over several months and examined the proposed changes, their experiences, and best practices of other MLS.

After careful consideration and many discussions, the Task Force made several recommendations to the Board of Directors. This document summarizes the recommended changes to the Rules and Regulations as well as changes to systems and processes as approved by The Board.

The changes can be grouped into three Rule changes, and five system or process changes.

**The Rule changes are:**

1. Listing Statuses and Definitions
2. Revisions regarding "Media in the MLS"
3. Coming Soon Status Reset

**The system and process changes are:**

1. Enhanced Photo watermark
2. Secondary Dwelling Section
3. Revised Exempted Listing Process
4. DOM and CDOM Calculations
5. Administrative rule changes

For a more detailed explanation of these changes, please see the ["Guide to Understanding the Rules and Regulations" document here](#). Or go to [bit.ly/Guide\\_to\\_Rules](http://bit.ly/Guide_to_Rules)

## Rules and Regulation Changes

1. **Listing Statuses and Definitions:** The matrix below shows changes to the status names and definitions in the MLS. Changes are in red.

**Note:** There are no changes to "Active" or "Sold" statuses.

Current Status	New Status	Definition
In Escrow – Showing	Active Under Contract	Listing is under contract and IS available for showing.
In Escrow – Not Showing	Pending	Listing is under contract and NOT available for showing.
Expired	No change	Listing has reached the listing period end date. The listing is off market.
Temporarily Withdrawn	Hold	Listing is temporarily off market as authorized by seller. Seller is still under contract with Brokerage Firm.
Withdrawn	Cancelled	listing is withdrawn as authorized by seller prior to original end date. Seller is no longer under contract with Brokerage Firm.

**PLEASE NOTE: Failure to maintain a listing in the correct status will result in an MLS Rules violation with associated penalties, and may also result in a Code of Ethics Standards of Practice 3-8 violation – i.e. misrepresenting a property as available to show.**

**Rationale:** HiCentral MLS should adopt industry standard definitions wherever possible. Doing so will allow Brokers and Agents to choose technology vendors who will be able to more easily integrate new technologies with the MLS. The status changes shown above align HiCentral MLS statuses and definitions with RESO standards. RESO is the nationally recognized and industry supported Real Estate Standards Organization.

## 2. Revisions to media in the MLS

- a. **People in Media:** Today, the rule prohibits the depiction of identifiable people in any media (photos, videos, 3D tours, etc.) **The rule will be changed to prohibit the depiction of [any] people in media.**

**Rationale:** Depicting people in media presents a number of problems for Brokers, Agents and the MLS around privacy, and rights or permissions. Eliminating depictions of people in the MLS helps address those concerns.

- b. **Listings should have at least five photos:** The rule that previously required one photo be included in each listing is being expanded to **recommend** that at least five photos of the property be included in the listing. One photo is still required for each listing.

**Rationale:** The goal of the MLS is to provide accurate and complete data to its participants and subscribers. Requiring at least one photo and recommending five will increase the value of the data in the MLS to all.

- c. **Deleting photos:** Today the MLS discourages deleting photos included with the listing by stating the photos "should not be deleted". **The 2023 Changes state that photos "shall not be deleted in preparation for closing".** A note will also be added that states "When a listing has been sold, the MLS will only provide, and an IDX website will only display the primary photo of the listing.

**Rationale:** When a listing agents deletes photos immediately before the sale, it results in less information being available in the MLS. This lessens the benefit of the MLS for all users.

3. **Coming Soon status reset:** A brokerage can now relist a property as Coming Soon after 365 days. The previous rule only allowed one listing of "Coming Soon" by a brokerage for a property.

**Rationale:** The condition of a property or circumstances can change significantly when marketing a property for sale over time. The previous restriction which allowed a Brokerage to market a property as Coming soon only once was determined to be too restrictive.

## Additional System and Process Changes

To better serve Brokers, Agents and Consumers, the following changes are being made to Matrix and MLS processes. These changes do not require revisions to the HiCentral MLS Rules and Regulations.

1. **Enhanced Photo Watermark:** An "Enhanced Photo" watermark will be added to photos that have been digitally enhanced or virtually staged. **The listing agent must add the word "enhanced" to the photo description in Matrix.**

**Rationale:** This change will make it clear to REALTORS® and Consumers that they are viewing a photo that has been altered. Further, not all websites that display listings would include other disclaimers that the photo had been enhanced.

2. **Secondary Dwelling Section:** A new section will be added to the listing input process under Additional Information, to allow the listing agent to identify any secondary dwelling on the property. Additional fields will be added including:
  - **Secondary Dwelling** – with choices of None, ADU, or Ohana Dwelling
  - **Permit #** - Required only when ADU is selected
  - **Permit Completion Date** - Required only when ADU is selected

**Rationale:** Properties with secondary dwellings are becoming more popular, and an MLS user should be able to search for properties that have legal secondary dwelling. The Board believes REALTORS® should be well prepared to help their clients buy and sell properties with legal, properly permitted secondary dwellings.

3. **Revised Exempted/Office Exclusive Listing Process:** Today, a REALTOR® must notify the MLS within 4 days that they have taken an Exempted/office Exclusive listing, via email. The process is cumbersome for Agents and Staff. **Under the Revised Exempted Listing process, the listing agent will input the listing as they would any other listing, and manage the listing's visibility in a new section called "Listing Visibility".** This new section will allow the agent to choose one of the following visibility options:
  - a. **No Visibility** - visibility in the MLS is restricted to the Listing Agent, Broker, and MLS Assistant. The listing will not be syndicated to external sites.
  - b. **Brokerage Only** - visibility in the MLS is restricted to MLS subscribers/participants under the same Principal Broker. The listing will not be syndicated to external sites.
  - c. **No Longer Exempted** - Visibility for an exempted listing is returned to that of a normal listing. Syndication is possible by flagging "Yes" in the Show Internet field.

**Note:**

- The listing broker must have written authorization from the seller to exclude this listing from MLS visibility.
- When the status is changed to "Sold" the listing will no longer be exempted, thereby making the data visible to MLS Participants/Subscribers - i.e., the listing will appear in the MLS like any other "Sold" listing.
- Days on Market (DOM) does not reset by choosing "No Longer Exempted"
- Once "No Longer Exempted" is chosen, the listing may not be changed back to "Exempted" status.

**Rationale:** This revised process will allow REALTORS® to input their exempted listing directly into the MLS and manage their listing status within the MLS – eliminating manual processes and reducing the chances of errors.

- 4. DOM (Days on Market) and CDOM (Cumulative Days on Market) Calculations:** The MLS is changing the method of calculating both DOM and CDOM to more accurately represent property history in the MLS.

**DOM** is defined as the total number of days a property has been offered for sale (on market) by an individual brokerage over a prescribed period. DOM will only be reset (set to zero) if the property has been:

- a) Off-market for **30 days**, or
- b) Listed with a different brokerage, or
- c) Sold

**CDOM** is defined as the total number of days a property has been offered for sale by ANY brokerage over a prescribed period. CDOM will only reset (set to zero) if the property has been:

- a) Off-market for **365 days**, or
- b) Sold.

**Note:** The MLS will require the display of CDOM wherever DOM is displayed – i.e. **if you operate an IDX or VOW website where DOM is displayed you must also display the CDOM** to provide the most accurate representation of the property's days on market.

**Rationale:** This policy change will give REALTORS® and the Public a more accurate representation of the total amount of time a property has been on the market – providing greater transparency for all concerned.

- 5. Replace "Master" with "Primary" Bedroom/Bathroom:** The use of the term "master" to describe the primary bedroom or bathroom has raised concerns about how it might be perceived by other agents and consumers. The Board understands how the use of the term might be offensive and **the MLS will ask REALTORS® to change the word "master" in this context to "primary"**.