

GREAT SMOKY MOUNTAINS ASSOCIATION OF REALTORS
MULTIPLE LISTING SERVICE (MLS)
STANDARDS OF PRACTICE AND FINES
Reviewed by the MLS Committee
Approved by the Board of Directors
Updated: June 2025

Standards of Practice Section 1:

Acreage

Acreage is a required field. The only time acreage is not required is if the property is listed as a Condominium or if the listing is checked "yes" in the PUD field.

Associated Documents

All residential listings and multi-family listings are required to have Confirmation of Agency and either Property Disclosure or Exemption uploaded to Associated Documents as well as the current septic permit provided by the State or Local Environmental Health Department and the TN SSDS form at the time the listing is created. Land listings require Confirmation of Agency only.

Pre-construction requires a current septic permit provided by the Environmental Health Department as well as the SSDS and Confirmation of Agency.

Pre-construction does not require Property Exemption. However, If the foundation of the property was in place prior to the current preconstruction, that must be disclosed in the remarks.

As long as foreclosure is marked in the miscellaneous features, no associated documents are needed. HUD listed properties are exempt.

Bedroom

The number of bedrooms cannot be more than the septic approval. If no septic approval is available, see Bedroom Definition below. Further, extra rooms cannot be referred to as bedrooms in the remarks.

Bedroom Definition

Bedrooms are defined as no pass-through rooms, 2 egresses, lofts allowed if disclosed.

Mobile, Modular, and Manufactured Homes

Mobile, Modular, and Manufactured homes are allowed to be listed in the MLS providing they convey with the land the home is on.

Condominium

Condominiums must be listed as condominiums, not single family.

Duplicated Listings

Listing can be listed in Commercial and Residential if the property is zoned Commercial. Listings can be listed in Residential and Land/Acreage if the property can be sold separately or subdivided.

Residential Properties with ADU's may also be entered in Residential Income.

No other duplications are allowed. Any Properties listed multiple times can only be closed in one Class and the other must be withdrawn once closed.

First Right of Refusal

Listing may remain active, but First Right of Refusal must be stated in the first line of the Addendum and Remarks.

Inputting Listings

- All agents included in the listing agreement must be members of the MLS. Non-members of the MLS are not allowed to list or co-list.
- The listing date and marketing date are different. You may use the marketing date for your listing date in order to obtain pictures, etc.
- Listings may not be input in the MLS as pending; all listings must be input as active. The Association may review all listing agreements.
- Members of GSMAR's MLS may co-list with other members of GSMAR's MLS outside of their company, however the listing can only be entered into the MLS one time.

Long-Term Rentals

When a long-term rental has been leased, the broker will withdraw the listing within two (2) business days to avoid interference with comps. If the listing is not withdrawn by the broker, the staff will withdraw the listing from MLS.

Miscellaneous

GSMAR can request signed paperwork from agents, i.e., listing contracts, buyer's reps, etc., to ensure compliance with Multiple Listing Service. All requested documents must be sent to the association within one (1) business day of request.

Listing agents must send any listing documents to the Association where the seller has opted out of the MLS within one (1) business day of signed agreement. If the seller opts out, the seller must stay out. The listing cannot be added for comp purposes. Statistics for company reporting may not be placed into MLS unless originally placed there.

If a house has been renovated, the original build date must be used in MLS. However, the remodel date may be mentioned in the remarks.

Put names and numbers OR email addresses regarding HOA's in MLS within three (3) business days of notification.

Misrepresentation

Any misrepresentation of a property is prohibited. The listing will be withdrawn by the MLS Staff until corrected.

Multi-Unit Properties-sale of a portion

When listing ONLY a portion of a multi-unit property, you must state at the beginning of the public remarks that the property is one of multiple units.

One-Party Listings

One-party listings are entered in the MLS as Sold before Listed after closing. When using the Agreement to Show Property, the listing date is the first date in the Authorization Period. The termination date is the last date in the Authorization Period.

Owner's Name

The owner's name of record must be in the owner's name field. Use of "withheld" or "Owner of Record" may not be used. In the case of owner/agent, "o/a" should follow the name.

Photos

- Overuse of Photoshop is prohibited.
- Agents cannot remove photos once the listing is off market.

- There will be no branding with signs on photos, virtual tours, or videos of the agent or the company in the MLS. (No agents are to appear in photos or videos) Any virtual tours and/or videos must be hosted on an unbranded channel.
- The primary photo of a listing must be an exterior view of the home or business. Any side of the structure is allowed provided the majority of the structure is showing. At least one photo of the drive up view is required to be in the photo set. In the case of lots/land it may be an aerial view with the addition of at least two (2) street shots. In the case of Residential Income an aerial photo can be used to show the multiple houses on the property with the addition of photos of the front of each home. Use of a collage (one photo with multiple images) as a primary photo is prohibited. Tax maps or plot images are not allowed to be used as a primary photo. In the case of condominiums, it is suggested that agents use the complex, not a specific door. The intent of this rule is that the agent is insured they are at the correct location.
- Sold before listed or any listing entered regardless of status requires a primary photo.

NOTE: Use of another agent's photos without permission is a copyright violation.

Projected Rental Income Amounts

Projected rental income amounts are not allowed in the Rental History Section. You may specify in the addendum the projected amount if you state it is projected.

Property Type

If the property type is incorrect, it must be changed within one (1) business day.

Remarks and Directions

Remarks and Directions fields shall not include firm names, agent names, telephone numbers, bonus/commission statements, rental company name, rental company phone number, owner/agent and any and all URL's, or any references to owner condition (i.e., divorce, estate, out of state). These types of information must be entered in the designated data field or in the Addendum.

Specific directions to the property must be written out in the Directions field.

Rental Company Restrictions

If there are restrictions on Rental Company on properties it must be disclosed in the addendum on the listing in the MLS.

Self-Reporting

Agents that report a violation they have made in writing before the MLS staff, or another agent reports it will not be fined for that MLS number.

Signage

The sign must be removed from "Temporarily off Market" properties to comply with the Clear Cooperation Policy or a rider that says "Temporarily off Market" must be attached to the sign.

Virtual Staging

Virtual staging will be allowed in vacant or new construction homes only and will include only furniture, rugs and wall art (appliances are NOT furniture). Each photo must be identified as virtually staged.

Fines Section 1:

There are no monetary fines associated with Section 1 of the Standards. Unless otherwise stated, the listing agent will have one (1) business day to make the correction after notification by staff in writing using the email address currently on file at the Association. On the close of the one (1) business day, staff will withdraw the listing from the MLS unless the changes are made. Designated Brokers are copied on all correspondence to listing agents.

Bereavement Policy

Upon the death of an immediate family member (defined as spouse, parent, parents-in-law, grandparents or children) the member will receive passes on MLS violations two weeks before to four weeks after the date of death. If it is discovered that fraudulent information was given to the Association, the member could be subject to suspension or termination. Documentation via email or letter to the Association Executive must list the deceased person's name, relationship to member, date of death, MLS#'s and the action requested for each MLS# within the time frames mentioned above.

Standards of Practice Section 2:

Inputting Listings

All Non- Residential Properties to be listed in MLS must be delivered within seven (7) business days of the start of the listing period as stated in the Listing Term section of your listing agreement.

Status Change (from Active to Pending or Pending to Sold or any type of other status change)

Status Changes must be made within three (3) business days.

Fines Section 2:

On a yearly basis, beginning August 1, 2021, fines are structured collectively as follows: (NAR's Clear Cooperation Policy is addressed separately)

- a) 1st Offense – warning
- b) 2nd Offense - \$100 to agent only
- c) 3rd Offense - \$250 to agent only
- d) 4th Offense – 30-day suspension to the agent

As for any fine levied, if the fine is not paid in thirty (30) days, an additional One Hundred (\$100) Dollars will be assessed. If the balance is unpaid after sixty (60) days, access to MLS will be removed.

Standards of Practice Section 3:

NAR's Clear Cooperation Policy

Section 1.01 – Clear Cooperation

Within one (1) business day of marketing a property to the public, the listing broker must submit the listing to the MLS for cooperation with other MLS participants. 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, and applications available to the general public. (Adopted 11/19)

Note: Exclusive listing information for required property types must be filed and distributed to other MLS Participants for cooperation under the Clear Cooperation Policy. This applies to listings filed under Section 1 and listings exempt from distribution under Section 1.3 of the NAR model MLS rules if it is being publicly marketed, and any other situation where the listing broker is publicly marketing an exclusive listing that is required to be filed with the service and is not currently available to other MLS Participants.

Section 1.3 Exempt Listings

If the seller refuses to permit the listing to be disseminated by the service, the participant may then take the listing (office exclusive) and such listing shall be filed with the service but not disseminated to the participants. Filing of the listing should be accompanied by certification signed by the seller that he does not desire the listing to be disseminated by the service.

Note 1: Section 1.3 is not required if the service does not require all (indicate type[s] of listing[s] accepted by the service) listings to be submitted by a participant to the service.

Note 2: MLS Participants must distribute exempt listings within (1) one business day once the listing is publicly marketed. See Section 1.01, Clear Cooperation.

Fines Section 3:

On an annual basis, beginning August 1, 2021, fines are structured for the NAR's Clear Cooperation Policy as follows:

- a) 1st Offense – warning
- b) 2nd Offense - \$100 to agent only
- c) 3rd Offense - \$250 to agent only
- d) 4th Offense – 30-day suspension to the agent
- e) The Clear Cooperation Policy applies to Residential listings only.
- f) If a seller refuses to permit a listing to be disseminated by the MLS service, the participant may then take an “Officer Exclusive Listing” and such listing shall be filed with the MLS but not disseminated to the Participants. Filing of the listing should be accompanied by certification signed by the seller that he does desire the listing to be disseminated by the MLS service. Office Exclusive listings may no longer be entered into the MLS after the listing has closed.

Login Information

Sharing login information to the MLS system is prohibited, and the fine for such will follow the NAR MLS Rules & Regulations as follows.

Section 6.1 Unauthorized User Fine:

In no instance should a Participant or user through a Participant let any unauthorized person use MLS computer access. This is confidential information “FOR MEMBERS ONLY.” A fine in the amount of \$500.00 for the first offense and \$1,000.00 on the second offense, will be assessed to the Participant Broker of the MLS for any “PROVEN” unauthorized use of Participant's or any agent's (affiliated with his firm) MLS computer access. (03/17)

Fines Section 4

The following are Penalties if Compensation is offered anywhere in the MLS

- First Offense-The listing will be withdrawn by MLS staff and will remain withdrawn until it is corrected.
- Second Offense-\$1000.00 fine to the listing agent; and \$1000.00 to the Broker, listing will be removed until corrected, and Broker will be required to check all listings for compliance.
- Third Offense-Listing Agent shall be suspended from the MLS for 30 days, Broker fined \$2500.00, and the Listing agent fined \$2500.00. Fines required to be paid in full before reinstatement to the MLS.
- Refusal to comply with Document request-In the event the association requests copies of buyer or seller documents, the listing agent or Broker must provide those documents within one (1) business day. Failure to do so will result in suspension from the MLS until requested documents are received.

Fines Section 5

1. Wholesale listings prohibited-

- First Violation \$500 to the agent \$500 to the Broker
- Second Violation-\$1000 to the agent- \$1000 to the Broker-\$2000 if the Broker is the listing agent
- Third Violation-Listing agent to appear before the MLS committee with possible sanctions.

Fines required to be paid in full before reinstatement to the MLS.

Refusal to comply with Document request-In the event the association requests copies of buyer or seller documents, the listing agent or Broker must provide those documents within one (1) business day. Failure to do so will result in suspension from the MLS until requested documents are received.