

# BYLAWS ADDENDA

With reference to ValleyMLS Bylaws 08.10.2023



Revised: 7/2/24

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## Addendum 1: NAR Mandatory Language

The following changes to the ValleyMLS Bylaws were approved by the ValleyMLS Board of Directors as part of the newly Proposed Bylaws on May 30, 2024. Articles 2, 4, and 10.3 of the Proposed Bylaws were separated from the remainder of the Proposed Bylaws and approved by the ValleyMLS Participants and Subscribers on July 1, 2024. The approval of Articles 2, 4, and 10.3 were then ratified by the HAAR Board of Directors on July 2, 2024.

### *Article 2. Purposes*

A multiple listing service (“MLS”) is a means by which authorized Participants make blanket unilateral offers of cooperation to other Participants (acting as subagents, buyer agents, or in other agency or non-agency capacities as defined by law); by which cooperation among Participants is enhanced, and information is accumulated and disseminated to enable authorized Participants to prepare appraisals, analyses, and other valuations of real property for bona fide clients and customers; and by which Participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information among Participants so that they may better serve their clients and customers and the public.

### *Article 4. Participant Defined*

#### REALTOR® Member

Any REALTOR® member of this or any other association who is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal, without further qualification, except as otherwise stipulated in these bylaws, shall be eligible to participate in ValleyMLS.Com upon agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto (“Participant”).

However, under no circumstances is any individual or firm, regardless of membership status, entitled to ValleyMLS.Com "Membership" or "Participation" unless they hold a current valid real estate broker's license or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property. Use of information developed by or published by ValleyMLS.Com is strictly limited to the activities authorized under a Participant's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey "Participation" or "Membership" or any right of access to information developed by or published by ValleyMLS.Com, where access to such information is prohibited by law. The designated REALTOR® principal of any firm, partnership, or corporation, or the branch office manager designated by said firm, partnership, or corporation, as the Participant, shall have all rights, benefits, and privileges of the service, shall be termed the "Participant" in ValleyMLS.Com and shall accept all obligations to ValleyMLS.Com service for the Participant's firm, partnership, or corporation, and for compliance with the Bylaws and Rules and Regulations of ValleyMLS.Com by all persons affiliated with the Participant who utilize ValleyMLS.Com. Licensees affiliated with the Participant shall be subject to these Bylaws and Rules and Regulations. A Secondary Participant shall pay the same fees as a local Participant.

**Note** - Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm 'offers or accepts cooperation means that the Participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS and/or to accept offers of cooperation made by listing brokers or agents in the MLS. "Actively" means on a continual and on-going basis during the operation of the Participant's real estate business. The "actively" requirement is not intended to preclude MLS participation by a Participant or potential Participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS participation to a Participant or potential Participant who has not achieved a minimum number of transactions despite good faith efforts; nor is it intended to permit an MLS to deny participation based on the level of service provided by the Participant or potential Participant as long as the level of service satisfies the law.

The key is that the Participant or potential Participant actively endeavors to make or accept offers of cooperation with respect to properties of the type that are listed on the MLS in which participation is sought. This requirement does not permit an MLS to deny participation to a Participant or potential Participant that operates a Virtual Office Website ("VOW") (including a VOW that the Participant uses to refer customers to other Participants) if the Participant or potential Participant actively endeavors to make or accept offers or cooperation. An MLS may evaluate whether a Participant or potential Participant "actively endeavors during the operation of its real estate business" to "offer or accept cooperation" only if the MLS has a reasonable basis to believe that the Participant or potential Participant is in fact doing so.

The membership requirement shall be applied on a nondiscriminatory manner to all Participants and potential Participants.

*Article 10.3. Amendments to and Compliance with NAR MLS Policies, Rules and Regulations.*

ValleyMLS.Com will adopt, implement and enforce mandatory NAR MLS policies and model MLS Bylaws, Rules and Regulations. ValleyMLS.Com will issue discipline for violations of local MLS rules consistent with the guidance provided in the current NAR Handbook on Multiple Listing Policy.

ValleyMLS.Com will give Participants and Subscribers annual updates (through written materials, virtually and/or in-person) that explain any changes in NAR MLS Policies, Rules and Regulations.