

## **Multiple Listing Service of Greater Cincinnati** **Electronic Keybox System Rules and Regulations**

The following rules shall apply to all Keyholders of the Electronic Keybox System. These rules have been established by the CINCYMLS and shall remain in full force and effect until changed or modified by the Directors of CINCYMLS.

### **DEFINITIONS:**

- 1) **CINCYMLS:** Multiple Listing Service of Greater Cincinnati.
- 2) **CINCYMLS Participant or Subscriber:** Any principal or non-principal broker, sales licensee, licensed or certified appraiser who participates in the Electronic Keybox System.
- 3) **Affiliate Member:** An individual who holds an Affiliate Membership in a local Board or Association who participates in the Electronic Keybox System.
- 4) **Keyholder:** Anyone who is issued an Electronic Key for use with the Electronic Keybox System.
- 5) **Electronic Keybox System (EKS)** – A key management system.
- 6) **Keybox:** The device that holds the physical keys to a property.
- 7) **Electronic Key:** A smartphone app used to access keyboxes.
- 8) **System Breach:** A situation where the Keybox was tampered with and the house keys removed or where unlawful access to a property has occurred.

### **PARTICIPATION:**

The EKS is a basic service of the CINCYMLS. Each CINCYMLS Participant, Subscriber or Affiliate Member in good standing with CINCYMLS is entitled to one Electronic Key activation for the EKS with CINCYMLS.

Additional Electronic Key subscriptions may be obtained for additional subscription fees to be used by unlicensed employee(s) or subcontractor(s) of a CINCYMLS Participant, Subscriber or Affiliate Member.

EKS participation requires each keyholder to execute a User Agreement prior to being issued an Electronic Key or Keybox. CINCYMLS will also enforce all rules and regulations contained in the User Agreement.

### **FEES:**

The fees are established annually by the CINCYMLS Board of Directors.

### **GENERAL POLICIES:**

Keyboxes may not be placed on a property without written authority from the seller.

Keyholders shall follow the showing instructions published in the CINCYMLS, an electronic showing system, or as provided by the listing brokerage. The keybox and/or contents shall not be removed from the property without prior consent of the listing agent.

**Unauthorized access to a property or Keybox is strictly prohibited. In the event there is evidence that an unauthorized access violation has occurred, punitive action may be issued in accordance with the Cincinnati Area Board of Realtors Professional Standards policy.**

### **RIGHT TO LIMIT ACCESS:**

The CINCYMLS may refuse to issue Electronic Keys, may terminate existing Electronic Key User Agreements, and may refuse to activate or reactivate any Electronic Key held by a Keyholder, at its sole discretion or by written direction of the Keyholder's Broker for these circumstances:

- 1) Following arrest, and prior to conviction, for any felony or misdemeanor;
- 2) After conviction of a felony or misdemeanor;
- 3) For any act, in the determination of the CINCYMLS, that relates to the real estate business or puts clients, customers, or other real estate professionals at risk.

### **KEYBOXES AND KEYS:**

Leased Keyboxes may ONLY be transferred to other CINCYMLS Participants or Subscriber Members for use within the CINCYMLS EKS until the Contractual Lease Period has expired in 2028. Keybox owners must complete and submit the Keybox Transfer Form.

A Keyholder who is leaving the real estate business or otherwise terminating their User Agreement must notify CINCYMLS to inactivate their Electronic Key.

### **ABANDONMENT OF KEYBOXES:**

Upon receipt of a complaint regarding the abandonment of a Keybox at a property, CINCYMLS will notify the KeyBox holder in writing that a complaint has been filed. The Keybox holder shall have 48 hours from the notification to remove the Keybox from the property. If the Keybox is not removed within such 48-hour period, a shackle code for that Keybox shall be provided to the complainant, if they are a Keyholder, or MLS designee for removal. The complainant, if a Keyholder, may submit a Keybox Transfer Form to CINCYMLS to claim said Keybox.

### **AFFILIATES:**

Any Affiliate who wishes to participate in the EKS of the CINCYMLS must be an Affiliate Member in good standing with a local Board or Association and must undergo a criminal background check under the guidelines established by the CINCYMLS Board of Directors. Employee(s) and subcontractor(s) of Affiliate Members must undergo a criminal background check under the guidelines established by the CINCYMLS Board of Directors. The CINCYMLS Manager will review employee and subcontractor background checks to approve or deny participation.

Affiliate Members must complete the Affiliate Application, pay the fees as established by the CINCYMLS Directors, and execute a User Agreement prior to being issued an Electronic Key.

If an Affiliate Member's Electronic Key subscription is inactivated, a new background check must be processed before being re-activated.

Employees or subcontractors of Affiliate Members are permitted to obtain an Electronic Key as authorized by the Affiliate Member. The Affiliate Member shall assume responsibility for payments and **legal responsibility and liability** for their employee(s) or subcontractor(s).

Employee(s) and subcontractor(s) of Affiliate Members must undergo a criminal background check under the guidelines established by the CINCYMLS Board of Directors. Employee(s) and subcontractor(s) of Affiliate Members must undergo a criminal background check under the guidelines established by the CINCYMLS Board of Directors. The CINCYMLS Manager will review employee and subcontractor background checks to approve or deny participation.

Affiliate Member EKS billing process will follow the same rules as CINCYMLS subscribers, including late fees and timelines as outlined on the Affiliate Application.

**UNLICENSED EMPLOYEE(S) AND SUBCONTRACTOR(S):**

Unlicensed employee(s) or subcontractor(s) are permitted to obtain an Electronic Key with authorization by a CINCYMLS Participant or Subscriber. The CINCYMLS Participant or Subscriber assumes responsibility for payments and **legal responsibility and liability** for their unlicensed employee(s) or subcontractor(s).

Unlicensed employee(s) and subcontractor(s) must undergo a criminal background check under the guidelines established by the CINCYMLS Board of Directors. The CINCYMLS Manager will review Unlicensed Employee and Subcontractor background checks to approve or deny participation.

**TERMINATION OF SERVICE:**

A Keyholder may terminate the User Agreement at any time with written notice to the CINCYMLS.

Leased Keyboxes may ONLY be transferred to other CINCYMLS Participants or Subscriber Members for use within the Cincinnati EKS until the Contractual Lease Period has expired in 2028. Keybox owners must complete and submit the Keybox Transfer Form.

**COMPLIANCE:**

Unauthorized access to a property or Keybox is strictly prohibited. Permission from the Listing Brokerage or Seller must be obtained before accessing the keybox.

In the event there is evidence that an unauthorized access violation has occurred, punitive action may be issued in accordance with the Cincinnati Area Board of Realtors Professional Standards policy.

Upon CINCYMLS being notified of a system breach, the Electronic Key and/or Keybox used in the breach shall be deactivated immediately.

**FILING A COMPLAINT:**

Complaints must be filed with Cincinnati Area Board of Realtors Profession Standards Committee.

**REVISIONS:**

August, 2015

July, 2018

February, 2019

April, 2021

May, 2021

June, 2021