

## VOLUNTARY MLS ELECTRONIC KEY AND LOCKBOX SERVICE

MLS Key System: Only MLS Participants, Subscribers (licensees), and real estate inspectors who hold an active Texas Real Estate Commission license can be issued an Electronic Key.

Assistants can check lockboxes in or out after Key Service receives written approval from the MLS participant and the agent they represent. This written documentation shall remain on file at the Association office.

During the first two years of MLS membership the keybox deposit will be ninety dollars (\$90) per box. After two years it is the agent's responsibility to request dropping the deposit to \$15 per box. A keybox can only be checked out to the Listing Agent or Listing Co-Agent.

The Association's Multiple Listing Service may refuse to lease Electronic Keys, may terminate existing Electronic Key lease agreements, and may refuse to activate or reactivate any Electronic Keys held by an individual convicted of a felony or misdemeanor, if the crime in the determination of the Association's MLS relates to the real estate business or puts clients, customers, or other real estate professionals at risk.

Factors that can be considered in making such determination include, but are not limited to:

- a. The nature and seriousness of the crime
- b. The relationship of the crime to the purposes for limiting Keybox access
- c. The extent to which access (or continued access) might afford opportunities to engage in similar criminal activity
- d. The extent and nature of past criminal activity
- e. Time since criminal activity was engaged in
- f. Evidence of rehabilitation while incarcerated or following release and
- g. Evidence of present fitness.

1. Lockboxes may not be placed on a property without written authorization from the seller. This authority may be established in the listing contract or in a separate document created specifically for that purpose.

2. The board shall adopt written, reasonable and appropriate rules and procedures for administration of lockbox systems which may include appropriate fines, not to exceed five thousand dollars (\$5,000).

- a. The lockbox and credit may be transferred from property to property, but not from agent to agent, or returned to the association office no later than ten (10) calendar days from the date of closing, termination, expiration or withdrawal. Key holders will have the option of a refund of the deposit or credit for his or her Key Service account for future use.
- b. If the Key Holder has not notified the association, in writing, that the lockbox has been transferred to a new listing or returned the lockbox by the tenth (10th) calendar day after closing, termination, expiration, or withdrawal, a fine equal to the current market value of the lockbox will be assessed. The lockbox will then be on extended lease by the Key Holder. Should the fine not be paid by the end of the month it was assessed, the Key Holder's membership will be suspended and an additional fifty dollar (\$50) reinstatement fee will be assessed.

c. Key holders are allowed to acquire lockboxes on an “extended lease” basis that allows key holders to keep lockboxes indefinitely and not have to immediately return lockboxes to the Association. This option costs the key holder the current cost per lockbox, then a specially marked lockbox will be assigned directly to the key holder and the key holder can acquire as many lockboxes as the key holder wishes as long as the current cost for each lockbox is paid. The association will buy back the lockbox at a price depreciated twenty percent (20%) per year.

d. Lockboxes not being used should be returned to the Association office as soon as possible to avoid any fines.

e. For any lost, stolen, damaged or non-recoverable lockbox, the key holder will be assessed the current replacement cost of a new lockbox.

f. If fined three (3) times in a calendar year, the agent will need to pay a ninety-dollar (\$90) keybox deposit per box for two years. After two years it is the agent’s responsibility to request dropping the deposit to fifteen dollars (\$15) per box.

g. When the initial notice is sent informing the agent to pick up their extended lease keybox that was returned to the Association, they will be given 30 calendar days to pick up the keybox. If it is not picked up in the time given, the keybox will be returned to circulation and the agent will receive a credit to their keybox account for the depreciated value of the keybox.

3. Lockbox lease agreement will be in accordance with the current lockbox vendor.