

## **COMMON LOCKBOX RULES FOR THE TWIN CITY METROPOLITAN AREA**

*The Electronic Keybox System is a service provided by the Minneapolis Area Association of REALTORS® and the St. Paul Area Association of REALTORS® (hereafter referred to as "Participating Associations"). Supra is the vendor for the Electronic Keybox System. The Participating Associations have established the following rules for the system which they will administer.*

1) Qualified Keyholders. REALTOR® members, licensed real estate appraisers in good standing with the Associations, and Nonmember MLS Subscribers may apply for an eKEY lease. Eligibility is subject to application approval and the execution of a lease agreement.

The following are also eligible for application to hold an eKEY, subject to approval of their application and their execution of a lease agreement. Affiliate members of the Associations, actively engaged in a qualified field of real estate practice, may lease an eKEY, provided a lease agreement is signed by the Keyholder. Affiliate members of the Associations who are not licensed by the state in which they work will require satisfactory completion of a criminal background check at their expense. For the purpose of this section, qualified Affiliate members eligible shall be:

- a) Photographers who are members in good standing of the Associations may be eligible to lease keys subject to approval of their application and subject to satisfactory completion of a criminal background check at their expense.
- b) Home Stagers who are members in good standing of the Associations may be eligible to lease keys subject to approval of their application and subject to satisfactory completion of a criminal background check at their expense. 08/16
- c) Inspectors only to include Home, Radon, Septic, Sewer, and Well who are members in good standing of the Associations may be eligible to lease keys. Eligibility is subject to the approval of their application and a satisfactory criminal background check, which they must complete at their own expense.

Unlicensed REALTOR® personal assistants and administrative/clerical staff who are in good standing of the Associations and are under the direct supervision of an Association REALTOR® member, a Nonmember MLS Subscriber, or their licensed designee, may be eligible to lease keys subject to approval of their application and subject to satisfactory completion of a criminal background check at their expense.

2) No member or Nonmember MLS Subscriber of a participating Association is required to subscribe to the Electronic Keybox System. Each member/Nonmember MLS Subscriber who wishes to subscribe to the System must sign a lease agreement, which outlines the obligations to Supra and to the Associations. Lockbox lease agreements shall spell out the responsibilities of the parties and shall by reference incorporate any applicable rule or other governing provisions of the Multiple Listing Service or the Associations that relate to the operation of the Electronic Keybox System.

3) When an eKEY holder, whether an Association member, Nonmember MLS Subscriber, Affiliate member, or unlicensed personal assistant, decides to A) no longer participate in the Electronic Keybox System B) no longer remain an active licensed sales associate or C) transfer to a different firm, the eKEY holder is responsible for notifying the Association of record that leased the eKEY of such action. eKEY holders are responsible for fulfilling any other terms agreed to in the lease agreement. Unlicensed personal assistants and administrative/clerical staff who are under the supervision of the eKEY holder and have signed a lease agreement are included in this rule.

4) Electronic Keyboxes may not be placed on a property without the written authority of the seller. This authority may be established in the listing contract or in a separate document

created for that purpose. Members participating in the Electronic Keybox System are not required to place a keybox on a listed property.

5) An eKEY holder may not use the eKEY to access an Electronic Keybox without first receiving confirmation from a showing scheduling system or the listing company unless instructed otherwise, in writing by the listing agent or company. A Keyholder may not access an electronic keybox unless they hold an active license in the state which the property is located. A Keyholder may only access a keybox to perform the duty allowed by the Keyholder's membership category as described in Paragraph 1. Violations of this rule will result in significant penalties, including but not limited to a fine of up to \$15,000 for each violation of this rule and/or suspension from use of the Electronic Keybox System for a specified period of time.

6) eKEY holders shall not loan, give, or allow their eKEY to be used by others at any time. Violating this rule may result in significant penalties, including but not limited to a fine of up to \$15,000 per violation and/or suspension from the Electronic Keybox System for a specified period.

Exception: An eKEY may be temporarily loaned to another authorized eKEY holder only in the event of an electronic failure. Both eKEY holders must be affiliated with the same broker. The eKEY holder borrowing the device must notify the Association in writing within 48 hours, confirming the defect and requesting a new authorization code.

A Designated REALTOR® principal or an office's broker of record may lease additional eKEYs to be issued temporarily to other eKEY holders in the same office. This option is available when an eKEY becomes non-functional outside normal business hours or when a replacement eKEY is not reasonably available.

When an eKEY is issued on a temporary basis, the REALTOR® principal or broker of record must immediately notify the Association in writing, providing the recipient's name, date, and time of issuance. Likewise, they must notify the Association in writing immediately once the previously issued eKEY has been returned.

#### 7. Security Responsibilities of eKEY Holders

eKEY holders acknowledge the importance of maintaining the security of their eKEY and its personal identification number (PIN) to prevent unauthorized use. Ensuring data integrity is also essential for the proper operation of the keybox system. Therefore, eKEY holders agree to abide by the following rules:

- a) Never store the eKEY PIN in a location where it could be accessed by others.
- b) Never duplicate the eKEY or the property key or allow anyone else to do so.
- c) Never assign or transfer the eKEY or property key to another person, except in compliance with Paragraph 6.
- d) Never destroy, alter, modify, disassemble, or tamper with the lockbox.
- e) Notify the Association immediately if a smart device assigned to an eKEY is lost or stolen.
- f) Never write shackle codes on electronic keyboxes.
- g) Never program rude or offensive text into an iBox.
- h) Never allow anyone who has been admitted to the property by the holder to remain on the property after the holder has left the property without the consent of the property owner.
- i) Prior to leaving the property, close and lock any windows or doors open or unlocked by the holder or by anyone admitted to the property by the holder.
- j) Return the property key(s) to the lockbox when leaving the property.
- k) Follow all additional security procedures specified by *Supra*, the Multiple Listing Service,

or the Association.

Violating any part of Rule 7 may result in a fine of up to \$15,000 per violation and/or suspension from the service for a specified period.

8) The Association may refuse to lease eKEY's, may terminate existing eKEY lease agreements and may refuse to activate or reactivate any eKEY held by an individual convicted of a felony or misdemeanor if the crime, in the determination of the Association, relates to the real estate business or puts or threatens to put clients, customers, or other real estate professionals at risk. The Association may suspend the right of eKEY holders to use eKEY following their arrest and prior to their conviction for any felony or misdemeanor which, in the determination of the Association, relates to the real estate business or which puts or threatens to put clients, customers, or other real estate professionals at risk.

Factors that can be considered in making such determinations 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.

9) The listing participant shall remove the Electronic Keybox from the property within 48 hours after the listing expires, results in a closed sale or property rental, or whenever notified by the RMLS or the Association to remove the Electronic Keybox.

Associations have the right to confiscate any electronic keybox that they must arrange to be removed from any non-active listing. Associations also have the right to charge time, penalty, and travel fees related to removal or exchange of electronic keyboxes where the association must arrange for an on-site visit to either active or non-active listings.

10) If an eKEY holder accesses an Electronic Keybox and finds the property key missing, or the property is unlocked or damaged, the eKEY holder is required to notify the listing office immediately.

11) An eKEY holder will be allowed a maximum of 2 successive manual key updates (Emergency Update Codes). The third or subsequent update must be done via the Automatic update system.

12) Complaints about violations of the Common Lockbox Rules for the Twin Cities Metropolitan Area must be sent in writing to the Keyholder's association within 60 days of the alleged violation.

13) Any eKEY holder, party to a Supra lease agreement or any other authorized users of the Electronic Keybox System may be assessed penalties, including fines for violations of these Electronic Keybox System Rules. Penalties may include a letter of reprimand, suspension from use of the Electronic Keybox System for a period of time, and/or a fine up to \$15,000.

14) An eKEY holder and/or responsible person/entity, shall be required to pay damages to offset all of the costs in re-establishing the security of the overall Supra Electronic Keybox System if it is determined the security has been compromised through the negligence or fault

of the eKEY holder.

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