

MLS Clear Cooperation Policy requires the listing broker to submit a listing to The MLS[™] within one (1) business day of public marketing.

Effective March 1, 2020

FREQUENTLY ASKED QUESTIONS

What is considered public marketing?

Public marketing includes, but is not limited to, flyers displayed in windows, yard signs, and all online marketing including digital marketing on public facing websites, brokerage website displays (including IDX and VOW), digital communications marketing (e.g. social media, email blasts), multi-brokerage listing sharing networks, and applications available to the general public.

What if the seller signs a SELM (Seller Instruction to Exclude Listing From The MLS)?

The seller can exclude a property from The MLS[™] by signing a SELM. However, if the excluded listing is publicly marketed, it must be submitted to The MLS[™] within one (1) business day.

Can a seller or the listing broker “opt out” of the policy’s obligations?

No. The new policy does not include an “opt out.” Any listing that is “publicly marketed” must be filed with the service and provided to other MLS Participants for cooperation within (1) one business day.

What is the meaning of “business day”?

Business days are Monday through Friday, excluding Saturdays, Sundays and federal/state holidays.

Does Clear Cooperation Policy require listings to be submitted to the MLS if they are advertised to a select group of brokers outside the listing broker's office?

Yes. "Private listing networks" that include more brokers or licensees than those affiliated with the listing brokerage constitute public advertising or display pursuant to Clear Cooperation Policy. Listings shared in multi-brokerage networks by participants must be submitted to The MLS[™] for cooperation.

Does the policy prohibit office exclusives?

No. "Office exclusive" listings are an important option for sellers concerned about privacy and wide exposure of their property being for sale. In an office exclusive listing, direct promotion of the listing between the broker of record and licensees affiliated with the listing brokerage, and one-to-one promotion between these licensees and their clients, is not considered public marketing.

What is the definition of a client?

A client is defined as a person who has engaged in at least one of the following activities in the last twelve months:

- Signed an Agency Disclosure form with Broker/Agent
- Signed a Broker Agency agreement with Broker/Agent
- Signed a listing agreement with Broker/Agent
- Signed an offer to purchase and/or purchase agreement represented by Broker/Agent
- Signed offer to lease and/or lease agreement represented by Broker/Agent
- Engaged in substantial real estate activity with the Broker/Agent that can be demonstrated by written documentation

What are the fines for violating the Clear Cooperation Policy?

Effective August 1, 2020 the agent (not the Broker) will be fined for violations of the Clear Cooperation Policy. The violations accumulate for a three year period before they are reset. Below is the fine structure.

First Offense: Warning and must complete a Compliance Class

Second Offense: \$2,500

Third Offense: \$5,000

Fourth Offense: Hearing & Suspension of MLS Access

Are “Coming Soon” listings permitted?

“Coming Soon” listings that are publicly marketed must be placed on The MLS™. The listing agent can use the “Coming Soon” listing status in VESTAPLUS™.

Does the policy apply to Rentals or New Construction?

Rentals and New Construction are excluded from the Clear Cooperation Policy.

For the purposes of this policy, some remodeled homes, 1-4 units, may be considered New Construction. The criteria for a new construction property is that it should be at least 50% renovated. Signage is allowed at the property and it can be listed on the developer’s website with the broker/agent contact information. However, the property cannot be listed on the broker/agent website and no other public marketing may be used prior to submitting the property to The MLS™ for cooperation, except for verbal/email communication between agents amongst different brokerages.