



## NAR CLEAR COOPERATION POLICY

Within one business day of public marketing,  
you must submit a listing to The MLS™

Effective **March 1, 2020**, The MLS™ implemented the new NAR Clear Cooperation Policy that requires a listing agent to place a listing on The MLS™ within one business day of public marketing. Enforcement of the fine assessment will begin **June 1<sup>st</sup>**.

In light of the new NAR Policy, The MLS™ is expanding upon and replacing the “Coming Soon” listing status with Private Listings (Members Only), which will launch **June 1<sup>st</sup>**. The Private Listings network will be a separate search within VESTAPLUS™ with its own icon. It will provide enhanced pre-marketing and privacy solutions.

### Private Listing Network

#### Benefits

- ▶ **DOM=0** while listing is in the Private Listing network.
- ▶ Listing is not syndicated to public portals or other MLS systems. Agent can pre-market listing to The MLS™ network.
- ▶ No limit to the number of days as Private Listing.
- ▶ The agent can select not to enter the listing in The MLS™ and keep it private forever.
- ▶ The agent will have the option to enter the projected date when the listing will become active, which can be modified at a later date.
- ▶ Minimal information required for MLS entry – only address, list price, CSO, Area and APN.
- ▶ Street name field can be marked as confidential or can be a property description.

#### DO

The following VESTAPLUS™ features are available for Private Listings:

- ✓ Share via Email, Text or Print (one client at a time)
- ✓ Saved Searches & Email Auto-Notifications (one client at a time)
- ✓ Add to Cart
- ✓ CMAs
- ✓ Statistics
- ✓ Hot Sheets

#### DON'T

The following is NOT allowed for Private Listings:

- ✗ Open House
- ✗ Syndication (data feeds)
- ✗ Public Marketing
- ✗ Ads in The MLS Broker Caravan™
- ✗ Yard Signs
- ✗ Broker / Agent website (including IDX and VOW)
- ✗ Digital Marketing (e.g. social media, email)

# NAR CLEAR COOPERATION POLICY



## 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 (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 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 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 brokers and licensees affiliated with the listing brokerage, and one-to-one promotion between these licensees and their clients, is not considered public advertising.

### 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.

### What are the fines for violating the Clear Cooperation Policy?

Effective June 1<sup>st</sup>, 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 and suspension of MLS Access

### Does the policy apply to Rentals or New Construction?

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

New and remodeled Single Family Homes are 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 developer's website but cannot be listed on the broker/agent website.

### What are Private Listings (Members Only)?

The MLS™ will launch Private Listings (Members Only) to replace the current “Coming Soon” listing status in VESTA-PLUS™. Similar to “Coming Soon”, Private Listings (Members Only) will be exclusive to CLAW Members and will not be syndicated to third party sites (e.g. Zillow) or other MLSs. In order to create a Private Listing (Members Only), the listing agent will have an option to select “Date Expected to Load Into the MLS”, which can be modified at a later date. Alternatively, the agent can select “Not at This Time” in which case the listing will remain private.

Private Listings (Members Only) require a CLAW SELM and minimal information for MLS entry- List Price, APN, CSO, Area, and Address. The APN will be required but not displayed. In lieu of a street number and name, the address may be a short description or the word “Confidential”. Status changes will be recorded on the Listing History, but will only be viewable by Members Only (will not be syndicated).

Private Listings (Members Only) can be shared by email, text or print, one client at a time. The listing will also be included in Saved Searches, Auto-Notifications (one client at a time), Add to Cart, CMAs, Statistics and Private Listings (Members Only) Hot Sheets. Private Listings (Members Only) can NOT have an open house or be included in syndication (data feeds), digital marketing (i.e. social media, email), and ads in The MLS Broker Caravan™.

Rental listings can be included in Private Listings (Members Only) and will have the same rules.

*The launch date of Private Listings (Members Only) is June 1<sup>st</sup>. Until the official launch, listing agents can take advantage of the currently available “Coming Soon” status in VESTAPLUS™.*