

Clear Cooperation Policy

- The National Association of REALTORS® created the Clear Cooperation policy to foster a cooperative marketplace. [Mandatory policy adoption within all MLSs was May 1, 2020]
- *"Understanding clear cooperation policy & how the new rules create a more efficient, pro-competitive marketplace"* will keep you in compliance with MLS policy.
- Clear Cooperation Policy also establishes a uniform rule for all publicly marketed properties, ensuring greatest marketing exposure for consumers, and consistent business practices which minimizes confusion.
- *"Clear Cooperation requires that all listings will be submitted to the MLS within 1 business day of public marketing the property."*
- Clear Cooperation reinforces the consumer benefits of cooperation and ensures that MLSs are an efficient and transparent marketplace that is pro-competitive and pro-consumer.
- This policy was instituted due to the significant growth of pocket listings and misuse of various limited exposure marketing tactics.
- An issue with pocket listings is some Brokers used it on the basis that their client needed privacy but then publicly marketed the property on their Brokerage website, on an exclusive network, or on social media to a limited scope of people.
- Also, pocket listings generally have been perceived as benefiting the Listing firm more than the client.
- These types of issues have restricted the number of choices for buyers, raised questions about fair and equal opportunity, leading to Fair Housing concerns, have skewed MLS data, and have resulted in *Breach of Fiduciary Duties* lawsuits.
- **The Clear Cooperation Policy is intended to address these issues, and to ensure home buyers and sellers benefit from having access to the most comprehensive property information through the MLS.**

Bullet Point Bibliography: nar.realtor N-A-R video: <https://www.nar.realtor/window-to-the-law/understanding-the-mls-clear-cooperation-policy>

MAAR MLS Rules & Regulations regarding Clear Cooperation Policy

Pg 3 Definitions: **Partial:** A listing for which not all information is available or there is a delay in making it active. This status satisfies the mandatory reporting to the MLS and only MLS support can see them. **Section 1.01 Clear Cooperation Policy** applies. Partial listings are not available to be shown.

Pg 5 **Coming Soon Listings:** COMING SOON LISTINGS: Listings for which the seller/lessor has signed a Coming Soon Listing Addendum or similar certification that the listing shall be entered into the MLS system in the Coming Soon status and cannot exceed 14 days in that status. Such certification, and any extensions or amendments thereof, shall

be included as an attachment to the listing as provided in the MLS system. If a listing in the Coming Soon status is shown to a prospective buyer, the listing shall immediately be placed in the Active status.

Pg 6 **Time Limits: Section 1.01. CLEAR COOPERATION:** Within one (1) business day of marketing a property to the public, the listing broker must submit the listing to the MLS for cooperation with other MLS participants. Public marketing includes, but is not limited to, flyers displayed in windows, yard signs, digital marketing on public facing websites, brokerage website displays (including IDX and VOW), digital communications marketing (email blasts), multibrokerage listing sharing networks, and applications available to the general public.

Pg 6 **NOTE:** Exclusive listing information for required property types, with the exception of new construction, must be filed and distributed to other MLS Participants for cooperation under the Clear Cooperation Policy. This applies to listings filed under Section 1 and listings exempt from distribution under Section 1.3 of MLS Rules & Regulations if it is being publicly marketed, and any other situation where the listing broker is publicly marketing an exclusive listing that is required to be filed with the service and is not currently available to other MLS Participants.

Pg 8 [Note:] Section 1.3. **EXEMPTED LISTINGS:** If the seller refuses to permit the listing of the property to be disseminated by the MLS, the listing broker may take a listing (**termed "Office Exclusive"**), and such listing shall then be submitted to the MLS within (1) business day but will not be processed and disseminated to Participants. **Submission of the listing must be accompanied by certification signed by the seller that he does not desire the listing be disseminated by the MLS.**

NOTE: MLS Participants must disseminate exempt listings within (1) one business day once the listing is publicly marketed. See Section 1.01, Clear Cooperation.

Pg 18 "U" Compliance With Rules: For failure to file a listing with the MLS in accordance with Section 1.01: Clear Cooperation, the listing agent will be fined \$30. Additionally, the listing agent will be fined \$30 for each day the violation remains uncured.