

THE NAR CLEAR COOPERATION POLICY

What is it and how did the mandatory changes affect my local MLS?



The NAR Clear Cooperation Policy Mandatory Adoption Deadline.

By May 1, 2020, all MLS's were mandated to adopt this policy to have the same consistent standard.

NAR Policy Statement 8.0 Clear Cooperation Policy: 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), multi-brokerage listing sharing networks, and applications available to the general public. *(NAR Adopted 11/19)*

What listing agreements and properties types were affected?

This policy pertains to any exclusive right to sell or seller reserved listing agreement for the sale of one to four-unit residential properties and vacant lots located within the service area of the MLS.



Tehachapi MLS Also Adopted A New Pre-Marketing Status Option

One of the NAR suggested options, was for a MLS to establish a coming soon status, or other pre-marketing solution. This status would allow members to share listing data of properties requiring preparations before marketing, only to other MLS participants and subscribers and keep them compliant with the new policy.

Your Tehachapi MLS adopted a new Off-Market status so members can have a pre-marketing option.

Coming Soon No-Show - This is a listing that has not yet been on the market but will be on the market soon. A listing contract has been executed. *This is an Off-Market status.**

Status went live June 4, 2020.



*Definition of Coming Soon from Real Estate Standard Organization (RESO).

GUIDELINES For Members Use of the Coming Soon No-Show (CSNS) Status:

- 1 – Coming Soon Seller Authorization Form** - (CSSA) One must be sent to MLS Staff for each CSNS listing.
(Found under MLS Links and Documents and on TAAR website)
- 2 – 18 Calendar Days From Listing Entry Date** - *Maximum* time a property address can be in the CSNS status.
- 3 – On-Market Date (OMD)** - Required for a CSNS listing. OMD automatically converts listing to Active status. This indicates preparations are completed and property available for marketing and showing. Active status also triggers Days on Market (DOM) calculations to begin.
NOTE: The OMD must be less than or equal to 18 calendar days from listing entry date.
- 4 – No Physical Showings Allowed** - A property in CSNS status is a means to let other MLS members know that you have a property that is being *prepared* for showings and marketing.
- 5 – No Offers Presented** - Since CSNS is a pre-marketing status, Brokers/Agents shall only present offers to the Seller *AFTER* the listing has moved to Active status. *(If a property becomes fully available for marketing and showings before the OMD, agents must change listing status to Active by **modifying OMD**.)*
- 6 – No Public Marketing Allowed** – The CSNS status is an Off-Market status, with no public marketing allowed.
- 7 – 90 Days** - Amount of time a property address must be *off-market* before it will be allowed back into the CSNS status.

BEFORE NAR CLEAR COOPERATION POLICY

1 – Seller Signs Listing Contract

2 – Listing Broker Options:

Within two (2) business days of receiving all necessary signatures must either:

a) Enter listing into MLS as ACTIVE status

or

b) Submit listing exclusion form to MLS (SELM ok)



AFTER IMPLEMENTATION OF NAR CLEAR COOPERATION POLICY

1 – Seller Signs Listing Contract

2 – MLS Listing Broker Options:

a) Enter listing in MLS as ACTIVE.

b) Enter Listing in MLS as COMING SOON NO-SHOW (CSNS) – Option only for listings being prepared for marketing and showing. Listing will only be seen by other MLS members. NO: public marketing, IDX syndication, physical showings or presentation of offers is allowed until status is Active. A CSSA form is required for each listing in the CSNS status.

NOTE: Within one (1) business day of publicly marketing a Coming Soon No-Show property, the listing is no longer eligible for CSNS status and will be required to have status changed to Active using On-Market Date field.

c) Office Exclusive Listing – *If Seller refuses to permit the listing to be disseminated by the service, the participant may then take the listing as an office exclusive. Listing Broker must submit sellers listing exclusive form to the MLS within one (1) business day after all necessary signatures of the seller(s) have been obtained. (SELM or RLA ok)*

As long as listing broker promotes the property internally within the brokerage, then the listing does NOT need to be placed into the MLS. Promoting internally consists of direct one-on-one communication between the listing broker and licensees affiliated with the listing brokerage and their respective clients.

NOTE: Within one (1) business day of marketing an office exclusive property to the public, a listing broker must submit the listing into the MLS for cooperation with other Participants. (Rule 7.6 Exempted Listings) *Since publicly marketed, the listing would not eligible for the off-market status CSNS.*



What Is Considered Public Marketing?

Public marketing or advertising includes, but is not limited to, conveying or displaying any information about the property or its availability for sale through or on any: windows, signs, public facing websites, social media, brokerage or franchise operated websites (including IDX and VOW), digital communications marketing (ex: email, text or phone blasts, social media messaging), multi-brokerage or franchise listing sharing networks, flyers or written material or on any applications available to the public or through conducting an open house. The public would include anyone outside the broker(s) and agent(s) licensed within a single listing brokerage and their clients, as further described in Section 7.6.

(Per MLS Rule 7.5 Mandatory Submission)



STATUS DIFFERENCES

Coming Soon No-Show	Active
No Public Marketing Allowed (no signs, etc)	Public Marketing Allowed (signs, etc ok)
Displayed in MLS	Displayed in MLS
Commission Offered	Commission Offered
NO DOM	DOM Counts
On-Market Date triggers Active Status and DOM to begin	On-Market Date same as Entry Date
Limited Distribution in MLS	Full Distribution in MLS
No Showings	Showings Allowed
No Presentation of Offers	Presentation of Offers Allowed
18 Days Maximum	No limit on days Allowed

- **Where can you find the Coming Soon Seller Authorization form?**
 - 1) Under the MLS Links and Documents Tab
 - 2) On TAAR website www.tehachapiaor.com under Membership – Additional Documents

- **What is the violation for failure to submit a listing into the MLS within one (1) business day after public marketing?**

It is a Tier Two (2) Level Offense. The violating member will receive a warning or Level Two (2) Offense Fine based on if they have any other violations in the current calendar year.

- **Where can you find the Tehachapi MLS Rules and Regulations?**
 - 1) Under the MLS Links and Documents Tab
 - 2) On TAAR website www.tehachapiaor.com under Industry Resources - MLS Rules & Regulations.



- **Where can I get more information on NARs MLS Clear Cooperation Policy?**

Frequently Asked Questions and a Recorded Videos can be found at

<https://www.nar.realtor/about-nar/policies/mls-clear-cooperation-policy>

- **Have a question for C.A.R. Legal?**

All Agents: (213) 739-8282 , Monday – Friday, 9 am – 6 pm

Saturday, 10 am – 2 pm, *Only for active transactions.*

Want to Submit a legal question?

Go to <https://www.car.org/helplines/legal-hotline-access?src=homepage>

THANK YOU

