



NNRMLS Clear Cooperation FAQ

When will NNRMLS implement the Clear Cooperation Policy?

NNRMLS will implement the Clear Cooperation policy on April 28, 2020. Stay tuned to NNRMLS emails, blogs, social media and MLS homepage messages.

Is NAR's Clear Cooperation Policy the same as NAR's MLS Statement 8.0?

Yes.

What listings will be included in NNRMLS's local implementation of the Clear Cooperation Policy?

All NNRMLS required listing classes as outlined in the [NNRMLS Rules and Regulations](#) (Section 2.A.1-4) will be included in the Clear Cooperation Policy. These classes are; Residential, Vacant Land and Multi-Family. Other classes of listings considered 'optional'; including Commercial, Business Opportunity, Lease Only, Farm & Ranch and Rentals will not be subject to the policy.

How does the NNRMLS local implementation of Clear Cooperation Policy work?

- NNRMLS will implement a Coming Soon status and a Coming Soon Authorization Form that may be used to inform sellers about the requirements for using the Coming Soon status in the marketing of their property.
- NNRMLS will implement a new method for processing listings that are withheld from the MLS Database.
- NNRMLS will create a new Acknowledgement and Authorization to Withhold Listings Form.
- Members withholding a listing from distribution must submit a signed copy of this new Withheld Authorization form with signatures from Agent, Broker and Seller to the Withheld Listings Compilation Portal within 2 business days of the date the Seller(s) signed the Listing Agreement.
- Listing Procedures will be updated in the NNRMLS Policy and Rules Handbook.
- NNRMLS will no longer accept Version A or Version B of the NNRMLS Sellers' Waiver of MLS Benefits
- Read more on the [NNRMLS Clear Cooperation Policy Webpage](#)

Is a "Pocket Listing" the same as "double ending" a listing and how does Clear Cooperation affect these things?

There are some nuances between Pocket Listings and Double-Ending; it is not the purview of NNRMLS to define each. The NNRMLS implementation of NAR's Clear Cooperation policy seeks to make all available listing to all participants in the MLS marketplace. However, please be aware the NAR guidelines for this policy allows for Office Exclusives, which NNRMLS has named "Withheld Listings". **Please Note: This rule applies if the property is marketed by the Seller, Broker or Broker's representative.**

Will the NNRMLS local implementation of Clear Cooperation include a Coming Soon status?

Yes. Please note; implementing a Coming Soon status is not technically part of NAR's Clear Cooperation Policy. In order to provide a mechanism for brokers and agents to prepare a listing, and other pre-marketing activities, NNRMLS is implementing its Coming Soon status at the same time as implementing its Withheld listing policy. NNRMLS' new withheld listing policy is the main component of complying with NAR's Clear Cooperation mandate. For more on NNRMLS' new [Withheld Listing Policy](#) (Rules & Regs Section 2.B)



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Why will NNRMLS include a Coming Soon status as a piece of its implementation of the Clear Cooperation policy?

NNRMLS is creating a Coming Soon status in order to provide Brokers and Agents options to offer their seller clients so time can be taken to prepare their home for sale, for example; make repairs, declutter, schedule photography, etc. Coming Soon also provides the brokers and agents the opportunity to start public marketing, for example; putting up a for sale sign, making flyers and posting ads.

Click here for more information on the NNRMLS [Coming Soon](#) status

Do Coming Soon Listings negatively impact the seller?

Coming Soon status provides a method for the listing broker to notify co-operating brokers of a property that will be made fully available for showing, exposing all other members of the MLS, letting them know the property will soon be available for sale. Further, NAR has made clear that a local implementation of Coming Soon does indeed comply with the cooperation requirements of its Clear Cooperation Policy.

How much time can a listing be in Coming Soon status?

21 days, at which time the listing will be automatically converted to New, (a sub-status of Active), unless the listing agent or broker decides to take it out of Coming Soon status sooner.

What do I do with the Coming Soon Sellers Authorization Form?

After it is signed by the Seller(s), the Listing Agent and the Listing Broker it should be kept in your file. The form must be kept in your file and made available to the NNRMLS Board of Trustees within 2 business days of request for audit purposes.

Can a listing be put in Coming Soon Status if it has been Withheld?

No, if a listing has been in the NNRMLS Withheld Listings Compilation and you decide to put it in MLS it must be input as Active (New).

I'm putting my listing in Coming Soon to have professional photos taken – do I have to have a photo?

The agent must choose one primary photo or an NNRMLS Provided Coming Soon graphic, more information about how to access that graphic will be released shortly.

What prevents an agent from using the weekend to market an “Office Exclusive” all weekend before they list it?

The rule stipulates an “Office Exclusive” must be listed one business day after it’s publicly marketed. If the property is marketed to the public, it must be entered as active in the MLS within one business day.

If I Withhold a Listing in the NNRMLS Withheld Compilation can I share it with others in my office and/or brokerage?

NAR’s answer: “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



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advertising. Common examples include divorce situations and celebrity clients. It allows the listing broker to market a property among the Brokers and licensees affiliated with the listing brokerage. If office exclusive listings are displayed or advertised to the general public, however, those listings must also be submitted to the MLS for cooperation." In other words, Brokers and Agents can share an office exclusive, or withheld listing, within their entire brokerage.

How much time can a listing be in the NNRMLS Withheld Compilation?

If no public marketing occurs the listing may continue to be withheld until it is sold, at which time it must be entered into the NNRMLS as sold within 2 business days of closing.

Do Withheld Listings need to be submitted to the NNRMLS listing database if they sell while they are withheld?

Yes. Listings sold while in the NNRMLS Withheld Compilation must be entered into the NNRMLS database as a sold within two business days of the listing closing.

How much time does an agent have to add a listing into the Withheld Compilation? Into Coming Soon? Into MLS as a Traditional Listing?

Required listings shall be submitted to the NNRMLS within 2 business days of Seller(s) signature on the Listing Agreement. (Rules and Regs Section 2.A)

Do I have to send the signed Acknowledgement and Authorization to Withhold Listing form to NNRMLS?

You won't send the form to NNRMLS but you will be required to upload it into the NNRMLS Withheld Listings Compilation Portal within two business days of the date the Seller(s) signed the listing agreement.

How will this Policy be monitored?

- Please see FAQ answer to: "How will NNRMLS enforce the Clear Cooperation Policy?"
- NNRMLS staff will investigate all reports of violations

How will NNRMLS enforce the Clear Cooperation Policy?

Documentation of the violation can be submitted to info@nnrmls.com for review by staff. Acceptable documentation includes:

- Photo of yard sign; must include some identifying properties of the listing so NNRMLS staff can verify location
- Screen shot of public website showing Listing and URL
- Copy of flyer with the listing information
- Email blast solicitation
- Screen shot of listing appearing on a private network

Will Brokers and Agents have a grace period for violation of this new policy?

Clear Cooperation Policy will be monitored and enforced beginning at implementation (no later than May 1, 2020). However, citations will not be issued during a 90-day grace period. **NOTE: Offenses of the policy during the 90-day grace period will be noted.**

What will the fines be for violation of Clear Cooperation?



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Clear Cooperation Policy will be monitored and enforced beginning at implementation (no later than May 1, 2020). Citations will not be issued during a 90-day grace period. **NOTE: Offenses of the policy will be noted during the 90-day grace period.**

- **1st offense:**Correctable within 1 business day
- **2nd offense:**\$2,500 automatic fine
- **3rd and any additional offense:**\$5,000 automatic fine

Where can I find out more?

Please visit the NNRMLS Clear Cooperation webpage at <https://members.nnrmls.com/clear-cooperation/>

Will NNRMLS accept feedback on its implementation of Clear Cooperation Policy?

With you realizing that this is a NAR-mandated policy, we would still like to hear your feedback. Please email comments to ClearCoopFeedback@nnrmls.com. We will review these comments as we receive them. Please allow 48-72 hours for a response. Please note feedback does not imply a change to the current implementation will take place.



The following list of FAQs are posted courtesy of NAR, originally appearing on this page:

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

Do ALL REALTOR® Association MLSs have to adopt the MLS Clear Cooperation Policy?

Yes. By establishing a national policy, it is mandatory that all REALTOR® Association MLSs adopt the policy and have the same consistent standard.

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 exclude Saturdays, Sundays and holidays. The NAR MLS Advisory Board specifically revised the policy’s timeframe due to concerns with enforcement to provide greater flexibility for days when submitting the listing to the service could be a challenge. For consistency among all REALTOR® Association MLSs, the approved timeframe is 1 business day; “holidays” include all recognized federal and state holidays.

How does the new deadline of “1 business day from marketing a property to the public” correspond with the existing local MLS’s filing deadline, which varies from MLS to MLS?

The local MLS’s filing deadline, typically found in Section 1 of the MLS rules, is the amount of time that a broker has to file the listing with the service after receiving all of the appropriate signatures on the listing contract. Once a broker begins to publicly



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market the property, they have 1 business day to file the property with the service. Specific questions about filing deadlines can be directed to your local MLS. In some markets, listing brokers use exempted listings to withhold sales information from the MLS. This can be of particular concern in non-disclosure states.

Under the new policy can a broker, after receiving instruction from their client, withhold sales information from the service?

This is a matter of local discretion. In most MLSs, Participants are required to submit status changes to the service, including the details of a sale and the sales price. However, this does not prevent the MLS from exploring and establishing local options and specific criteria to withhold sales data when requested by the seller (or buyer). MLSs are encouraged to work with local brokers to determine their needs.

Is the new policy consistent with Article 3 of the NAR Code of Ethics?

Yes. By joining the MLS, Participants agree to be bound by the MLS Rules and Regulations. Per the policy's rationale, the public marketing of a listing indicates that the MLS participant has concluded that cooperation with other MLS participants is in their client's best interests.

If the MLS has established a coming soon status, or other pre-marketing solution that shares listing data with all MLSs participants and subscribers, does that comply with the cooperation requirements of the policy?

Yes.

Does the new policy require changes to the local MLS rules?

Yes. MLSs can adopt the specific policy language under Listing Procedures. Below are the changes to the NAR model MLS Rules. These changes will be reflected in the Model MLS Governing Documents found in the 2020 Handbook on Multiple Listing Policy (updated version expected January 2020)

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), multi-brokerage listing sharing networks, and applications available to the general public. (Adopted 11/19)

Note: Exclusive listing information for required property types 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 the NAR model MLS rules 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.

Section 1.3 Exempt Listings

If the seller refuses to permit the listing to be disseminated by the service, the participant may then take the listing (office exclusive) and such listing shall be filed with the service but not disseminated to the participants. Filing of the listing should be accompanied by certification signed by the seller that he does not desire the listing to be disseminated by the service.

Note 1: Section 1.3 is not required if the service does not require all (indicate type[s] of listing[s] accepted by the service) listings



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to be submitted by a participant to the service.

Note 2: MLS Participants must distribute exempt listings within (1) one business day once the listing is publicly marketed. See Section 1.01, Clear Cooperation.

Why was this policy approved?

Brokers and MLSs from across the country asked NAR to consider policy that will reinforce the consumer benefits of cooperation. The MLS creates an efficient marketplace and reinforces the pro-competitive, pro-consumer benefits that REALTORS® have long sought to support. After months of discussion and consideration within NAR's MLS Technology and Emerging Issues Advisory Board, this proposal was brought forth for the industry to discuss and consider, then approved by NAR's Board of Directors.

Who made the decision that this policy was needed?

NAR's MLS Technology and Emerging Issues Advisory Board is made up of brokers and MLS executives from across the country. Two dozen volunteers review industry concerns from a wide range of business and regional viewpoints. Potential policy changes are discussed within the group to create a positive impact on the industry and to address broker needs within the marketplace. The policy was strongly supported by the NAR MLS Committee and the NAR Board of Directors.

Does Policy Statement 8.0 require listings to be included in MLS IDX displays?

No. While listings that are displayed on the Internet must be submitted to the MLS and distributed to other MLS participants for cooperation, submitting a listing for cooperation within the MLS does not necessarily require that listing to be included in an MLS's IDX display, if the seller has opted out of all Internet display. Per MLS rules, participants can work with their listing clients to determine an appropriate marketing plan, taking into account the client's needs and full disclosure of the benefits to market exposure.

Does Policy Statement 8.0 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.

Common examples include divorce situations and celebrity clients. It allows the listing broker to market a property among the brokers and licensees affiliated with the listing brokerage. If office exclusive listings are displayed or advertised to the general public, however, those listings must also be submitted to the MLS for cooperation.

Does Policy Statement 8.0 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 Policy Statement 8.0. Listings shared in multi-brokerage networks by participants must be submitted to the MLS for cooperation.

Does Policy Statement 8.0 apply to non-active listings?

Yes. Policy Statement 8.0 applies to any listing that is or will be available for cooperation. Pursuant to Policy Statement 8.0, "coming soon" listings displayed or advertised to the public by a listing broker must be submitted to the MLS for cooperation with other participants. MLSs may enact "coming soon" rules providing for delays and restrictions on showings during a "coming soon" status period, ensuring flexibility in participants' listing and marketing abilities, while still meeting the participant's obligations for cooperation.

What if the listing isn't ready to be shown? Are "Coming Soon" or "Delayed showing" listings allowed under Policy Statement 8.0?



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The concept of “Coming Soon” and “Delayed Showing” can be achieved within the local MLS. Listings which are truly not yet ready to be shown can be shared with the MLS’s brokers and agents to create exposure while the property is being prepared for showing.

MLSs can also add clarity to the coming soon and delayed showing process by defining specific statuses and showing requirements if these listings are to be included in the MLS. The most common implementations do not allow for showings of the listing until its status is changed to active, and any showings of the listing would immediately trigger that status change.

Does Policy Statement 8.0 require a broker to turn in every listing to the MLS within 24 hours of signing the listing?

No. MLSs have different local rules as to listing turn-in times. If a listing is taken and is not yet ready to be marketed/shown, longer timelines for turn in may apply in local markets. If a listing is marketed to the public, however, Policy Statement 8.0’s 24 hour turn-in timeline goes into effect.

Has this kind of policy been implemented other places?

Similar policies have been enacted in some marketplaces:

- MRED in Illinois has a similar policy in place and has produced [a white paper explaining the benefits to the marketplace](#)
- [Bright MLS on the Eastern seaboard has a similar policy](#)
- Northwest MLS in the Seattle area has had a policy disallowing the pre-marketing of properties since 2013. Its intent could be viewed as similar to Policy 8.0 in terms of encouraging greater participation and inventory within the MLS.

How can an MLS address compliance issues?

Compliance is up to local determination. The policies in the markets previously discussed usually include an escalating process of warnings and fines. Reporting of non-compliance is often taken care of by the marketplace. When listings are publicly marketed, agents and consumers become aware and can report unsubmitted listings by MLS participants to the MLS.

What exclusive listings and property types are applicable under the new MLS Statement 8.0?

The obligations of Statement 8.0 were specifically adopted to address concerns with residential “for sale” exclusive listing contracts required to be filed with the service. Based on the Advisory Board’s discussions that did not include commercial properties, rental properties, and new construction developments with multiple properties (single family homes, condos, etc.) Those property types, and other exclusive listings that require mandatory submission, can be included in the application of Statement 8.0 at local discretion.

How will the new policy affect listings not yet available for showing and the calculations of “days on market?”

These are factors that can be determined locally. Brokers should discuss with their MLSs the desire to submit properties which are not yet ready for showings in the MLS. Brokers and MLSs should consider whether a new listing must immediately become active, whether a temporary “coming soon” or “no showings” status is allowed, and when “Days on Market” will begin in these scenarios.

Why was the time-frame within the recommendation updated to ‘one business day’?

The MLS Tech and Emerging Issues Advisory Board held a conference call on October 30, 2019. Based on feedback and concerns over the time enforcement, the timeframe was changed from ‘24 hours’ to ‘one business day.’



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What is the timeline for this Policy?

The policy is effective from January 1, 2020 with local implementation required by no later than 5/1/2020

Does the new Policy Statement 8.0, Clear Cooperation, require MLSs to reconsider whether listings of vacant land require mandatory or voluntary submission?

No, the MLS can continue operating under existing local policy, which may provide for voluntary submission of different property types, like land, rentals, and new construction. Business practices in different markets for these property types may vary and only call for voluntary submission. If the listing broker has a choice to submit a particular exclusive listing to the MLS, the listing broker is not obligated to submit that listing because it is publicly marketed. The new policy on Clear Cooperation only covers exclusive listings of property types that require mandatory submission.

Further, the existing deadline for submitting listing information to the MLS remains intact, unless the property is publicly marketed in which case the property listing information must be submitted to the MLS within the one (1) business day deadline.

