



# NNRMLS Clear Cooperation FAQ

## When did NNRMLS implement the Clear Cooperation Policy?

NNRMLS implemented the Clear Cooperation policy in April 2020.

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

Yes.

## What listings are 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) are 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 implemented a new method for processing listings that are withheld from the MLS Database.
- NNRMLS created a new Acknowledgement and Authorization to Withhold Listings Form called the Withheld Listing Compilation.
- 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 were updated in the NNRMLS Policy and Rules Handbook.
- NNRMLS no longer accepts Version A or Version B of the old 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 expose 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".

## Did 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 implemented its Coming Soon status at the same time as implementing its Withheld listing policy. NNRMLS' new Withheld Listing implementation is the main component of complying with NAR's Clear Cooperation mandate.

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

NNRMLS created a Coming Soon status in order to provide Brokers and Agents options to offer their seller clients, so time could 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



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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 at a point in the near future. Further, NAR has made clear that a local implementation of Coming Soon does comply with the cooperation requirements of its Clear Cooperation Policy.

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

A maximum 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 convert it into an Active status sooner.

### **What does the Listing Agent 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 the live MLS listing database.

### **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, which can be found here: [https://members.nnrmls.com/wp-content/uploads/2020/04/Coming-Soon-Image\\_Paragon.jpg](https://members.nnrmls.com/wp-content/uploads/2020/04/Coming-Soon-Image_Paragon.jpg). It is not mandatory to use the NNRMLS-provided graphic, however, any graphic the Agent uses cannot be branded.

### **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 into the live MLS listing database 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 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 Brokerage, but not with other Brokerages.

### **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.



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## 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 are 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](mailto: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

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

Clear Cooperation Policy is monitored and enforced beginning at implementation. However, citations were not issued during a 90-day grace period that has now passed.

## What are the fines for violation of Clear Cooperation?

Clear Cooperation Policy is monitored and enforced beginning at implementation. However, citations were not issued during a 90-day grace period. NOTE: Offenses of the policy were 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/>



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### **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](mailto: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.

### **Clear Cooperation Q & As from May 2020 Broker Meeting**

*Please Note: Some questions from our Broker meeting were not included below due to repetition. Some questions were edited for clarity and context.*

### **Will MLS compliance monitor brokerage activity to see if some Members are executing an excessive number of Withheld Listings?**

NNRMLS does not currently have a policy to monitor "an excessive number of Withheld Listings." We understand the concern is that there will be large offices that have a possible recruiting advantage if a large Brokerage were to, hypothetically, employ a systematic Office Exclusive business model. Currently, NNRMLS does not know of a NAR rule that specifically prevents this. However, Clear Cooperation takes steps to encourage the dissemination of the listings in the MLS.

### **What is the policy for a Seller having a buyer for their property prior to Broker involvement and the Broker is only involved with the Offer writing and Escrow and still receives a commission?**

There is no listing contract, so that listing cannot be entered into the MLS.

### **Will the Office Broker have access to see what listings Agents have uploaded to the MLS as Withheld/Office Exclusive?**

No, the Listing Broker/Agent will be responsible for tracking their own Office Exclusive listings. The NNRMLS Withheld Listing Compilation is only searchable by select NNRMLS staff.

### **I was under the impression if a Waiver was in place prior to Implementation of Clear Cooperation, the Waiver remained active until expiration. Is that not the case?**

That is not the case. NNRMLS required a fully executed Acknowledgement to Withhold Listing Form uploaded to NNRMLS Withheld Listing Portal by June 1st, 2020.

### **If an Agent does advertise publicly, does the Withheld Listing status automatically go away, or does the Agent need to file a Status Change signed by the Agent, Broker and Client with the MLS, as well as enter the property into Paragon to be disseminated?**

If the Listing Agent and their Seller decide to enter a currently Withheld listing into the Paragon MLS, the Agent would then need to complete the paperwork required for such a listing and enter it into the Paragon MLS system. Further, Brokers and Agents should keep NAR's Clear Cooperation Policy in mind: If a Withheld Listing is publicly marketed, the Broker/Agent must complete all required paperwork and enter that listing as a New/Active Listing within Paragon MLS within one business day. Regarding the need for a Status Change form: At the time of editing this document, the NNRMLS team is unclear on whether an Agent specifically needs a Status Change form to move a Withheld Listing to New/Active in Paragon MLS. Our team advises that you check with your Broker.



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### **Do Withheld Listings need to be entered into the Paragon MLS system for comparable purposes after they close?**

Yes. NNRMLS Rules and Regulations require that all sales of previously withheld listings be reported in the MLS within 2 business days of closing. Read more in the NNRMLS Rules and Regulations, page 1, section 2, A.4.: [https://members.nnrmls.com/wp-content/uploads/2020/07/NNRMLS-Rules-and-Regs\\_Current.pdf](https://members.nnrmls.com/wp-content/uploads/2020/07/NNRMLS-Rules-and-Regs_Current.pdf)

### **I thought listings now had to be entered within 24 hours?**

Withheld Listings or Office Exclusives are subject to the Clear Cooperation Policy which states: "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 and social media sites such as Facebook and Instagram." However, all listings must be submitted within two business days of the Seller signing the listing contract. If you have a Withheld listing, it must be entered into the NNRMLS Withheld Listing Portal and if you have a traditional listing or a Coming Soon listing it must be entered into the Paragon MLS system. See more on the NNRMLS Listing Comparison Grid: [https://members.nnrmls.com/wp-content/uploads/2020/05/Listing-Comparison-3\\_2020.pdf](https://members.nnrmls.com/wp-content/uploads/2020/05/Listing-Comparison-3_2020.pdf)

### **What if the Withheld listing expired, then it sells months later by same Listing Broker? Are you still required to input Sold within 2 days?**

The NNRMLS requires a valid, current Listing Contract for the listing to be entered into its Withheld Listing Compilation or into Paragon MLS. If the Withheld listing is expired, that would mean there is no valid Listing Contract in place, hence it cannot be entered into the NNRMLS Withheld Listing Compilation or the Paragon MLS system.

### **If I see a property listed out in the universe and search for it on the MLS and cannot find it, as a Broker, can you tell me whether or not the property is Withheld and is not public? If the MLS does not share this information, then I would be forced to think it's an unethical listing and obligated to file a grievance complaint.**

The NNRMLS will advise an inquiring Broker if a Listing is in its Withheld Listing Compilation. NNRMLS is not obligated to give detailed information about the Listing. If a Withheld Listing is publicly marketed as described in this question, the Listing Broker and Agent would have one business day to enter it into the Paragon MLS system for cooperation with other participants and subscribers.

### **To confirm, if you start marketing on day one, then the time to submit into Paragon MLS system drops down to one business day from two?**

NNRMLS requires a Listing to be submitted into the NNRMLS Withheld Listing Compilation or into Paragon MLS within two business days of the Listing Contract being signed. If a Withheld Listing is taken, the Listing Contract is signed and publicly marketed, then the Listing must be entered into the Paragon MLS system within one business day.

### **Does it state the Clear Cooperation Policy information on the actual Withhold Listing form?**

Yes, the Acknowledgement and Authorization to Withhold Listings Form includes all the information a Seller, Agent and Broker would need to understand the Clear Cooperation Policy requirements.



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### **The Withheld Policy is fine. Good Policy. That is not the issue. It is the structure of Coming Soon.**

The NNRMLS implementation of a Coming Soon listing status in Paragon MLS included years of NNRMLS Trustee deliberation, member engagement, research by staff, CEO and Board and has been sanctioned by NAR. Keep in mind NAR does not have an official policy surrounding Coming Soon Listing Statuses, and it is the decision of the local MLS and its leadership to craft its structure. Please Note: "This status is not intended to give any listing Brokerage an advantage in finding a buyer for the property to the detriment of other MLS Brokers, nor is it intended to circumvent the sale of the property on an open market."

### **We only need the one status Withheld which we can use to get pictures taken, etc. We do not need two statuses.**

Withheld is not technically a status because that listing type is unique in that it is not entered into the MLS for dissemination to other participants. Rather it is filed with the NNRMLS in a separate database. For some context, NNRMLS has found that approximately 75 percent of all members used the old Sellers' Waiver of MLS Benefits to facilitate a Coming Soon status. NNRMLS has also found the remainder of members used the old Waiver form to facilitate an Office Exclusive, which were not previously subject to the Clear Cooperation Policy. Since the Clear Cooperation implementation forced NNRMLS to sunset the old Waiver form our membership needed both; a method for Office Exclusives and a method for Coming Soon. The NNRMLS Board of Trustees, its resulting workgroups and feedback from our March 2020 Broker Survey showed popular support for a Coming Soon status. Additional NNRMLS staff research revealed Brokers in our market were already publishing listings, (long before NNRMLS's implementation), as "Coming Soon" on their own IDX websites and on third-party aggregators like Zillow. The Coming Soon status allows all Participants and Subscribers to be made aware of all Coming Soon listings where they might expect to find them, in one centralized trading platform: the MLS.

### **Why even have this status? Why not have the Agent put in the MLS a call before showing instructions?**

The Coming Soon status comes with benefits of no showing, no accrual of days on market and the ability to publicly market. This is not the same as an active listing with delayed showing remarks in the Private Remarks. Oftentimes Sellers wish to have a pre-marketing option where days on market do not accrue.

### **Can an Agent put more than one photo and full listing data or is Coming Soon limited to a single photo and limited listing data?**

All photos can be, and should be, entered into a Coming Soon listing before the available for showing date. Please note that at least one photo is required to list a Coming Coon listing in Paragon MLS. All details included in a traditional listing must be entered into a Coming Soon listing because of Paragon's auto-update feature that converts a Coming Soon listing into a New/Active listing on the available for showing date.

### **Items to consider: Real Estate Definition of Coming Soon – Homes listed as "Coming Soon" are homes that are not yet officially on the market but are expected to be listed for sale within 21 days. This is not true for the state of Nevada. Once an Agent has a signed listing agreement, that property is official on the market.**

NNRMLS cannot comment on the validity of this question's stated definition of Coming Soon listings. NNRMLS has received confirmation from NAR representatives that its Coming Soon status is in line with NAR standards. Think of the NNRMLS Coming Soon status as a 'Coming Soon to show' status, and as such a listing agreement between listing Broker/Agent and Seller is required. This





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also means all offers must be presented to the Seller unless the Broker/Agent is otherwise instructed by the Seller.

### **A Seller can instruct a Listing Agent to not present offers until a specific date. Some Associations have built into their listing contract that no offers are to be presented while a listing is in Coming Soon status.**

NNRMLS has researched this question and has been advised that under Nevada law all offers must be presented to a Seller. Nevada Revised Statutes 645.254.1 <https://www.leg.state.nv.us/NRS/NRS-645.html> says "A licensee who has entered into a Brokerage agreement to represent a client in a real estate transaction: Shall present all offers made to or by the client as soon as is practicable, unless the client chooses to waive the duty of the licensee to present all offers and signs a waiver of the duty on a form prescribed by the Division."

### **There is a huge difference in the prior system, (the old NNRMLS Waiver forms) and 8.0, that says no public marketing which is easy to enforce and these Coming Soon rules that allow a Listing Agent to reach buyers and try to double-end a deal. You are dreaming about ethics!**

MLS Policy Statement 8.0, otherwise known as Clear Cooperation, applies to Office Exclusive listings that are withheld from dissemination within the MLS. There is no public marketing allowed for NNRMLS Withheld listings, however, if public marketing occurs, Clear Cooperation dictates that the Broker/Agent enter the listing into the MLS for dissemination. NNRMLS expects this will not be difficult to enforce. Coming Soon listings are entirely different because this type of listing is submitted to the MLS for dissemination. Representatives from the National Association of REALTORS® have sanctioned NNRMLS' implementation of both Clear Cooperation and Coming Soon. In reviewing the NNRMLS implementation of both, NAR representatives found no peril to REALTOR® ethics. Again, the Clear Cooperation policy does not apply to Coming Soon, because Coming Soon is not withheld from MLS – it is a listing available for cooperation to all members of the MLS, who are also able to search for and share these listings with their clients. Please Note: NNRMLS keeps a neutral stance on "Dual Agency," but keep in mind it is legal in Nevada. Please refer to Nevada Revised Statutes 645.252 for more: <https://www.leg.state.nv.us/NRS/NRS-645.html>

### **8.0 says no Public Marketing, period. For a Broker to put a listing on a Public Website or Portal is a violation of 8.0. How does this Coming Soon policy get anywhere close to 8.0?**

Public marketing is not allowed with NNRMLS' Clear Cooperation implementation, which allows for Office Exclusives in its Withheld Listing Compilation. Conversely, Coming Soon is a listing status that is submitted to MLS for dissemination to ALL participants for Cooperation. Since Coming Soon listings are disseminated within the MLS, Clear Cooperation does not apply for the simple reason that this listing type is already being shared in the MLS to ALL participants for Cooperation. Clear Cooperation applies only if a listing is "filed with the service," as with an Office Exclusive, otherwise known as a Withheld Listing, which is only shared among the members of the Listing Brokerage and no other participants.

### **Other MLSs have a policy that a listing cannot be submitted to the MLS until it is actually available for showing to prevent the mess this policy is going to create.**

Not allowing showings of Coming Soon listings is a common characteristic of this status with MLSs throughout the country. The National Association of REALTORS® has informed NNRMLS and its Board of Trustees that the local MLS has control over implementation of its Coming Soon listings and has sanctioned the NNRMLS implementation. Through member engagement and research, NNRMLS and its Board recognized that many of its Broker members desired a Coming Soon status to secure the Listing and also conduct pre-marketing activities without accrual of days on market. Think of NNRMLS' Coming Soon status as 'Coming Soon to Showings.'



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**Key word is Corporation. The Coming Soon Policy allows for Public Marketing when in fact there is not Cooperation since an Agent is prohibited from showing the property.**

NNRMLS' Coming Soon status is not related to NAR's Clear Cooperation policy. NNRMLS recognizes that MLS is based on Cooperation among participants and believes that making all available listings to all members aligns with that spirit. Keep in mind that since Coming Soon listings are disseminated via the MLS, Clear Cooperation does not apply for the simple reason that this listing type is already being shared in the MLS to ALL participants for Cooperation. NNRMLS and NAR do not recognize the validity of the assertion that no showing on a Coming Soon listing is equivalent to no cooperation.

**Our Coming Soon category allows for total marketing, but no cooperation until a date in the future, i.e. the listing company can market but no other REALTOR® may. Is that the intent of Clear Cooperation and/or Code of Ethics #2, or just a weasel clause?**

It is not true that the NNRMLS Coming Soon listing status does not allow cooperating Agents, other than the Listing Agent, to market the Coming Soon. NNRMLS has provided for Coming Soon listings to be available in the MLS system's prospecting tools and for syndication. The ultimate choice to syndicate listings lies with the Listing Agent. The decision to share Coming Soon listings in auto-prospecting tools lies with Buyers' Agents. The Coming Soon Listing Status is separate from NNRMLS's Clear Cooperation Policy. The Coming Soon Listing Status allows for Cooperation during its 'life' in that status. Article 2 of the REALTOR® Code of Ethics instructs licensees to avoid exaggeration, misrepresentation or concealment of pertinent facts relating to the property. NNRMLS' Coming Soon Listing Status does not put licensees in the position to violate this article. Not allowing showings of Coming Soon listings is a common characteristic of this status with MLSs throughout the country. NNRMLS and NAR does not recognize the validity of the assertion that no showing on a Coming Soon is equivalent to no cooperation.

**The problem is – Coming Soon to everyone in the public world means, it is not available at all right now. When in fact, once a listing has been signed and it is available.**

The NNRMLS Team and its Board of Trustees realizes that Coming Soon could be interpreted differently by different stakeholders including REALTORS® and their clients. For this reason, our team has engaged in an extensive member-education effort consisting of a comprehensive informational webpage, an extensive FAQ, (which you're reading now) and a Listing Comparison Grid. We have also provided and continue to conduct webinars, custom Broker office visits, Shareholder staff trainings, informational emails, informational print materials. The NNRMLS Coming Soon Authorization form also serves as an informational document for Listing Agents and their Sellers. NNRMLS believes it is incumbent upon the Real Estate professional to inform their clients. Because an executed Listing Contract is required for NNRMLS members to enter a Coming Soon listing, the Listing is indeed available, however it cannot be shown while in Coming Soon status. Think of Coming Soon as 'Coming Soon for Showings.'

**Other MLSs have also prohibited an Agent from changing the Coming Soon date once set to prevent an Agent from getting calls from Buyers and changing the status to allow them to show the property without a penalty. You can tell a client about the property, but you also must tell them you cannot show it to them. What prevents that Buyer from then calling the Listing Agent who we know will show their own listing?**

When NNRMLS allowed the old Waiver of Benefits to be used a Listing Agent could use that in the same way as described in this question. Now, Coming Soon status allows all members to search for all listings in real time and let their clients know about them. The Available for Showing Date is adjustable because there are circumstances when a Seller and Agent may be finished with pre-marketing activities earlier than expected – projects like professional photography and carpet cleaning that have an estimated time of completion, but are finished sooner. This illustrates a business case as to why it's advantageous for the Seller and Listing Agent to





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have a flexible "available to show" date.

### **Can you use the Withheld status and then switch to Coming Soon if your listing exceeds 21 days?**

No, Coming Soon is a primary status so a Withheld Listing cannot be entered into Coming Soon. If a Withheld Listing is entered into the Paragon MLS system it must be entered as New/Active or Sold status.

### **Where do we turn Internet syndication off per listing?**

The per listing syndication can be turned on/off within the Paragon Listing input under "Internet Yes/No." Additionally, a Broker can utilize their own direct feeds to Zillow to control that channel and use their ListHub accounts to control the other channels.

### **I don't think it [Coming Soon] should go to 3rd parties while repairs, photos or a number of reasons that could be happening. That would not be in the best interest of the Seller.**

During a special meeting scheduled after the Broker-Only meeting on May 8th, 2020, the Trustees voted to uphold its previous decisions to syndicate Coming Soon listings to IDX, VOW, back-office Broker systems, Homesnap and third-party aggregators. The NNRMLS position: If a Seller doesn't want to have the Listing syndicate, the Agent can opt out the Listing during the Coming Soon period and then opt in to syndication once the Listing is converted to a New/Active status. An addendum could be used to authorize this with the Seller.

### **Agents could not request showings on Listings until a certain date before the Coming Soon status was implemented.**

This is true. With the old Waiver system Buyers' Agents could not easily find listings that were Coming Soon and available for showing dates were not published or easily known. Even before the implementation of the Coming Soon status, Agents are allowed under NNRMLS Policy to have an Active Listing that is not available to show in NNRMLS if the listing Agent includes in the Private Remarks when the listing will be available to show. NNRMLS' implementation of a Coming Soon status allows all participants to search Coming Soon listings 24/7 and easily find the available for showing date. It is the stance of NNRMLS and its Board of Trustees that this arrangement is pro-consumer and pro-competitive.

### **Does a Virtual (Live Stream) Open house trigger the end of the Coming Soon status?**

The Coming Soon Listing Status does not allow showings; this includes but is not limited to in-person showings, Live Stream showings, in-person Open House events and Live Stream Open House events. Listing photos and pre-recorded virtual tours are acceptable on a Coming Soon listing. It is the responsibility of the Listing Agent and their Broker to convert a Coming Soon listing to a New/Active listing BEFORE any showings or Open House events, (live stream or in-person), are scheduled. Converting the listing to New/Active from Coming Soon to conduct a showing or open house is not automatic and must be done manually by the Agent/ Broker.

### **Will Coming Soon be part of Market Monitor?**

NNRMLS hopes to work with the Paragon MLS development team to encourage them to prioritize adding Coming Soon to Paragon's Market Monitor.

### **How will Coming Soon be enforced and policed?**

Violations of Coming Soon are a reportable offense and NNRMLS will depend on Agents to self-police. This is not a new stance; enforcement of the old Waiver was similar.



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### **Syndication to third party sites do not have a status that is Coming Soon, so the public would assume showing are available.**

This is untrue. NNRMLS now syndicates Coming Soon listings to IDX, VOW, Back-Office-Broker Systems, Homesnap and Third-Party Aggregators as per the NNRMLS Board of Trustees decision. Since NNRMLS has begun syndication of this listing status, our team has observed that Zillow displays these listings as “Coming Soon” complete with an available for showing date. The NNRMLS team expects other third-party aggregators to follow this example. Further NNRMLS research has shown that Coming Soon listings were prevalent on third-party aggregators like Zillow and on local Brokers’ IDX sites before NNRMLS implemented a Coming Soon status.

### **The name “Active-No Show” could have been used rather than “Coming Soon.”**

While “Active-No Show” was an option considered, our team and Board of Trustees ultimately decided on “Coming Soon” because,

- It aligns with nationally recognized and industry recommended RESO standards and
- “Coming Soon” is a more universally recognized term in the Real Estate industry and its meaning is more well-known to the home-buying and selling public.

Please note: The difference between “Coming Soon” and “Active-No Show” is largely semantic in nature as the two largely share the same characteristics in implementation.

### **How many photos can you upload for a Coming Soon listing, only one?**

All photos can be, and should be, entered into a Coming Soon listing before the available for showing date. However, at least one photo is required for a Coming Soon listing in Paragon MLS. NNRMLS provides a Coming Soon placeholder graphic that can be used, but not required, by Agents who do not yet have listing photos ready at the time of listing. This placeholder graphic is located in the “My Links” section of Paragon MLS under the “Resources” dropdown menu.

### **Can you confirm if Coming Soon listings are being syndicated to all sites that the Broker is set up to syndicate to?**

Yes, Coming Soon listings are being syndicated. The NNRMLS Board of Trustees made the decision to syndicate Coming Soon listings when it decided to implement Coming Soon. Due to some Broker concern late in NNRMLS’ implementation of this new status, the Board decided to take more Broker feedback during a Broker-only meeting in May 2020. In further discussions after that meeting, the Board then decided to uphold its original decision to syndicate this status. NNRMLS syndicates Coming Soon listings to the following:

- VOW
- IDX
- Broker Back-Office Systems
- Homesnap
- Third-Party Aggregators

Brokers and their Agents can manually disable syndication to every destination listed above, except Broker Back-Office Systems, by using the Internet Yes/No field in the Paragon MLS Listing Input module.

### **I understand a Seller can decide not to syndicate, correct?**

That is correct. A Seller can advise their Broker/Agent to not syndicate, however, the Broker/Agent must use the systems available to them to disable syndication to third-party aggregators. See previous question for more about disabling syndication on a per listing basis.



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### **Can you clarify that this is being sent directly to clients if they are set up for auto-search?**

Yes, Coming Soon listings are being sent to Paragon's legacy "Auto Email" and its "Collab Center" Client Portal. They are also being syndicated; see the above answers for more.

### **What are the allowed marketing materials during a Coming Soon status?**

All public marketing is allowed with the Coming Soon Listing Status. The restriction is that the listing cannot be shown. No showings also apply to Live Stream Showings, Open House (in-person and live-stream) events.

### **We have always listed to sell to that specific buyer, and we have always placed in MLS because we were asked to for years.**

The NNRMLS team assumes this question is asking if Single Party Listings are allowed. The answer is: No, NNRMLS does not accept Single Party Listings.

### **I would suggest you do a full disclosure of ALL questions and your answers and send to all members and not just respond to specific members.**

NNRMLS Leadership, including its CEO and Board of Directors, agreed to publish all questions and answers from the May 8, 2020 Broker meeting. You are reading those questions and answers in this FAQ. Please note: Some questions were omitted due to duplication.

### **We represent a builder for multiple subdivisions. By having signage or other means of promotion for XX amount of homes, do we have to have all the properties that are/will be for sale in MLS? In other words, if 50 properties are being "advertised" do they all have to be in MLS?**

Per NNRMLS Rules and Regulations, a Participant may accept an exclusive right from the builder to sell on new subdivisions of five (5) or more homes without submitting the homes to the Multiple Listing Service. Written certification from the builder instructing that the listings are to be withheld from publication must be made available to the MLS within 2 business days of request.

## **Feedback Emails Received by NNRMLS Before and After the Broker Meeting on 5.8.2020**

#### **Comment:**

Thank you all for all you do collectively. RE/MAX Professionals appreciate all your hard work on this topic. We know it's not an easy task, however much needed!

**Comment:** "Thank you for taking the time and answering the questions on these issues. I'm in support of your approach and feel it is well thought out and comprehensive. No worry about the tech issues either. Everyone is wrestling with this and trying to get used to doing business this way, and it didn't detract from the professional presentations. Thank you for doing this."

**Comment:** "Very informative [meeting]!"

**Comment:** "Hi, I am still confused, but since it only applies to withheld listings, I will just call if this occurs."

**Answer:** Thank you for your comment. You can always contact our team with your questions M-F from 8am-5pm at [info@nnrmls.com](mailto:info@nnrmls.com) or at (775) 823-8838. You can also schedule a one-on-one with our trainer for more info here: <https://calendly.com/nornevmlsandrew> or register for one of our regularly scheduled Clear Cooperation webinars from the same page.



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**Comment:** "Good job! Look forward to the webinars. Effective use of my time and as more take place the technical difficulties will be less so. Again, thanking you guys at the board for a job well done."

**Answer:** NNRMLS is holding regularly scheduled Clear Cooperation and Coming Soon webinars. You can join one by registering here: <https://calendly.com/nornevmlsandrew>

**Comment:** "Talk to your members monthly (Brokers separate from Agents), share and be transparent, make sure the technology works perfectly."

**Answer:** NNRMLS Leadership appreciates suggestions about member engagement and will take this one under advisement, however there are no immediate changes to our member outreach at the moment. If you're a Broker and would like to schedule an NNRMLS update for your next meeting please visit this page: <https://calendly.com/nornevmlsandrew> and choose the Broker-Only options to schedule a custom session for your team.



### The following FAQs are posted courtesy of NAR, originally appearing on:

<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 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.



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### **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 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 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.



# NNRMLS Clear Cooperation FAQ

## 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?

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





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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.'

### **What is the timeline for this Policy?**

The policy is effective from January 1, 2020 with local implementation in April 2020.



## NNRMLS Clear Cooperation FAQ

### **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.

