

# CLEAR COOPERATION POLICY



## WHEN DID IT GO INTO EFFECT?

May 1, 2020

## WHAT PROPERTY TYPES DOES THIS APPLY TO?

Residential  
Vacant Residential lot  
Residential 1-4 unit

## WHAT IS THE CLEAR COOPERATION POLICY?

The Clear Cooperation Policy is a NAR-mandated policy that governs the public marketing of listings and their entry into the multiple listing service. Within one (1) business day of marketing or advertising a residential property to any member of the public for sale which is subject to any exclusive right to sell or seller reserved listing agreement, the Listing Broker must submit the property into the MLS for cooperation with other CRMLS participants.

## WHAT ARE THE NEW STATUSES AS COMPARED TO THE EXISTING ACTIVE STATUS?

### Registered

NO Marketing  
NOT displayed in MLS  
NO DOM  
NO Commission Offered  
NO Distribution Through MLS  
Showings Only to Listing Broker Client  
Required for Registered Status:  
Address, Price, Listing, Expiration and Marketing Dates.

### Coming Soon

Marketing Allowed  
Displayed in MLS  
Commission Offered  
NO DOM  
Limited Distribution in MLS  
NO Showings  
21 Day Maximum

### Active

Marketing Allowed  
Displayed in MLS  
Commission Offered  
DOM Counts  
Full Distribution Through MLS (including IDX/VOW)  
Showings Allowed

## WHAT IS CONSIDERED "MARKETING" AND "ADVERTISING"?

Per MLS Rule 7.9, "Marketing" and "Advertising" includes, but is not limited to, information about the property or its availability for sale displayed on any: signs, websites, social media, brokerage or franchise operated websites, communications (verbal or written), multi-brokerage or franchise listing sharing networks, flyers or written material, or on any applications available to the public, or by conducting an open house.

# CLEAR COOPERATION POLICY CONTINUED



## WHAT ARE THE PENALTIES FOR NON COMPLIANCE OF THE RULE?

Citation Fine for violation of 7.8, 7.9, 7.9.1, 9.3 is in the amount of:

1% of the list price or \$500 (whichever is greater not to exceed \$2,500)

Each Violation will receive a **WARNING** and opportunity to correct before any fine is issued.

## IF A SELLER DOES NOT WANT TO PUT THEIR LISTING ON THE MLS, WHAT NEEDS TO HAPPEN?

The seller still has the ability to exclude their property from the MLS; however, no marketing of the property can be done. If any marketing does take place, then the property must be entered in the MLS within one business day. By keeping the property off of the MLS, the seller is agreeing that the listing broker will only share the property with the listing broker's own clients.

## CAN A PROPERTY, WITHOUT AN EXCLUSIVE LISTING AGREEMENT, BE SHARED WITH OTHER AGENTS WITHOUT TRIGGERING CCP?

Yes. Even those with different brokerage firms, may discuss and provide details about a potential transaction on a property that is not yet subject to an exclusive listing agreement. Doing so does not trigger the requirement to place that property into the MLS for cooperation.

## IS "NEW CONSTRUCTION" EXEMPT FROM THE CLEAR COOPERATION POLICY?

Any Residential Property listed in the MLS that requires the disclosure of a Final Public Report pursuant to the Subdivided Lands Law prior to a sale of the property, or that requires a new construction building permit, shall be designated a NEW CONSTRUCTION LISTING (NCL).

New Construction listings are NOT exempt from the CCP, but they may remain in the Coming Soon status until such time as a certificate of occupancy is issued.

[www.SouthBayAOR.com](http://www.SouthBayAOR.com)



<https://go.crmls.org>

*This FAQ is not all inclusive of the CRMLS Rules and Regulations regarding the Clear Cooperation Policy. Please refer to [go.crmls.org](https://go.crmls.org) for a detailed review of CCP.*