

# NAR Clear Cooperation Policy Adopted

December 2, 2019



At the Fall 2019 National Association of REALTORS® (NAR) Conference, a vote over Policy 8.0, otherwise known as the Clear Cooperation Policy took place. After having been passed by the NAR MLS Policy Committee on Saturday November 9, 2019, the policy proceeded to the National Association of REALTORS® Board of Directors on Monday November 11, 2019 where it passed with overwhelming support in a 729 – 70 vote.

NAR's new mandatory policy 8.0 requires all Residential listings be input into the MLS system within one business day of the listing being marketed. The Great Plains Regional MLS Board of Directors adopted this policy as GPRMLS Rule 1.17(A) - 1.17(A)(1)(a) with a March 1, 2020 implementation. The policy as adopted is:

**A. Listing Submission:** *All Residential listings including new construction must be entered into the MLS within 2 days of the listing date unless marketed. 2/19*

*1. Within 1 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 Policy Statement 8.0 11/19)*

*a. Office Exclusive listings where the listing is kept solely at the listing Firm and not marketed to any individual outside the listing Firm are not, for the purposes of Rule 1.17 (I)(A)(1), considered to be public marketing, and are not, therefore, required to be submitted to the MLS. If the listing is marketed to any individual outside the listing Firm the listing broker must submit the listing to the MLS for cooperation with other MLS Participants within 1 day.*

Office Exclusive listings are vital for sellers concerned with privacy or over exposure of their property and are not prohibited with this policy, so long as they are kept within the listing firm and not marketed to any individual outside the listing firm. If a listing is marketed to any individual outside the listing firm the listing becomes subject to the rule above and must be input into the MLS. In a FAQ published by NAR, office exclusive listings are addressed as such: "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." Under this policy listings are not required to be included in any IDX or VOW displays.

Agents will still have a maximum of two days from the list date on the listing agreement to input listings into the MLS unless the listing is marketed. If the property is marketed, the listing has to be input into the MLS within one day of marketing.

This policy does not limit the ability to market listings as "Coming Soon". Instead, it helps further promote a "Coming Soon" listing to fellow MLS agents in addition to any other marketing a seller authorizes. Listings can continue to be marketed as "Coming Soon" utilizing the existing "No Show" status in the MLS. In the "No Show" status the listing can be fully marketed, however the listing will not syndicate to any third-party or broker websites, and will not accumulate Days on Market until the listing status is changed to "New/Active". The "No Show" status is for any listing that is not ready or available for showings and can be used in a multitude of situations where a seller may not be ready to show their property or may have to temporarily halt showings. There is currently no maximum time frame surrounding how long a listing can be in the "No Show" status in the MLS.

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The Nebraska Real Estate Commission (NREC) allows “Coming Soon” advertising only if the advertising is done with the knowledge and written consent of the owner, and the listing is in fact “Coming Soon” and is not currently being shown or marketed to a limited group only.

According to the NREC, the proper use of “Coming Soon” advertising would be a situation where a listing agreement has been entered into but the property or owner is not yet ready for showings. The improper use would be using “Coming Soon” advertising to limit the showing of the property to preferred buyers, or the exclusion of certain buyers, possibly leading to various violations of the license act.

Potential Fair Housing violations were among the many topics discussed at the National MLS Policy Committee Meeting and Forum on November 9 in relation to Off-MLS listings with concerns leading to the exclusion of certain individuals not included in private listing networks and marketing. Other concerns surrounded the seller’s best interests, the listing broker’s fiduciary duty, and the seller’s “informed consent” decision.

The burden is always on the agent to place the seller’s best interests above their own. Article 3 in the REALTOR® Code of Ethics clearly states that REALTORS® have a duty to cooperate with other agents by sharing information on listed properties except when such cooperation is not in the client’s best interest. The rationale behind this policy is to encourage the spirit of REALTOR® cooperation that all brokers agree to when joining the MLS while maintaining a pro-consumer and pro-competitive market.