



MLS CLEAR COOPERATION POLICY Frequently Asked Questions

1. 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.

2. 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.

3. 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.

4. Does a Coming Soon listing comply with the cooperation requirements of the policy?

Yes. A Coming Soon listing is shared with the MLS participants and therefore meets the requirement.

5. Does this policy 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. 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.

6. Does this policy 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 the mandatory submission requirement. Listings shared in multi-brokerage networks by participants must be submitted to the MLS for cooperation.

7. Does the new Privacy property type comply with the cooperation requirements of the policy?

Yes. A privacy listing is shared with the MLS participants and therefore meets the requirement.

8. If you have an office exclusive listing and you receive a buyer need from an agent of another company, can you respond to the agent with information about your listing?

No, that is considered marketing. The listing must be entered into the MLS within one business day if the agent responds. Have a conversation with the seller to see if they prefer to keep the property as an office exclusive or tell the agent with the buyer need and submit the property to the MLS.

9. Is Price Setting/Broker Price Opinions considered marketing?

Yes, it is considered marketing if the agent has a signed listing agreement.

10. What property types are applicable under the policy?

Any exclusive right to sell or seller reserved listing agreement for the sale of one to four unit residential property and vacant lots. Properties with more than four units, commercial properties and rentals are not required under the mandatory submission requirement.

11. Can you advertising that you have an exclusive listing, but not share any specific property information?

No, that is considered marketing.

12. Can you send an Office Exclusive to your client?

Yes, as long the listing is sent to one client at a time. Mass emailing to all clients is not allowed.

13. Is advertising a listing on a VOW site considered public marketing?

The NAR change identifies a VOW site as being "public" and thus if advertised by a VOW and not on the MLS, it would violate the policy.