



Clear Cooperation Policy and HiCentral MLS

An Informational Handout and Frequently Asked Questions for Participants and Subscribers

Updated 12/30/2019

In the fourth quarter of 2019, a new policy was proposed and subsequently approved by the NAR Board of Directors designed to foster and encourage clear cooperation amongst and between brokers participating in the MLS. This proposal, as a mandatory policy of NAR and in recognition of its' clear merits, was subsequently approved by the HiCentral MLS Board of Directors at their December 13th meeting.

There are numerous benefits to consumers, REALTORS®, and the Real Estate industry when Brokers list their clients' properties in the MLS. Please see the accompanying FAQ from NAR, as modified for HiCentral MLS subscribers.

The New MLS Statement 8.0, NAR Handbook on Multiple Listing Policy (An "M" Policy denoting Mandatory for inclusion in local rules and regulations) – Commonly referred to as Policy Statement 8 or the Clear Cooperation Rule reads as follows:

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.

This rule has been placed in the HiCentral MLS Rules and Regulations January 1, 2020 in Section 1.01 – A "red-lined" version of which can be found at bit.ly/RedRandR or on members.hicentral.com, under "MLS Forms and Docs."

Frequently Asked Questions

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. These proposals move on to the 130-person Multiple Listing Issues and Policies committee for consideration, and if approved, on to NAR's 900 member board of directors for final ratification.

Does Policy Statement 8.0 require listings to be included in an MLS's 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 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 1 business day of signing the listing?

No. HiCentral MLS Rules and Regulations stipulate listings must be submitted to the MLS within 4 calendar days. If however, a listing is marketed to the public, Policy Statement 8.0's 1 business day turn-in timeline goes into effect.

Has this kind of policy been implemented somewhere already?

Similar policies have been enacted in some marketplaces. MRED in Illinois has a similar policy in place. The organization has produced [a white paper explaining the benefits to the marketplace\(link is external\)](#). Bright MLS on the Eastern seaboard has [a similar policy\(link is external\)](#) in effect. 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?

Compliance with the newly adopted rule will be closely monitored and Participants and Subscribers are encouraged to report noncompliance to the MLS. Violators will be notified of infractions and asked to take corrective action. When listings are publicly marketed, agents and consumers become aware and can report unsubmitted listings by MLS participants to the MLS.

Does this policy affect commercial listings?

Residential real estate and commercial real estate are transacted with significant differences. This policy only affects residential real estate.

What is the timeline for this Policy?

- The NAR Multiple Listing Issues & Policies Committee considered it on 11/9/19
- The proposal passed out of that committee, and it was ratified by the NAR BOD on 11/11/19
- HiCentral MLS Board voted to approve the adoption of the rule on 12/13/19, for implementation along-side previously approved Rules and Regulations.