



## What's changing? How the listing date is determined for the MLS

The HICMLS Rules and Regulations had stated that a listing "...shall be submitted to the MLS as 'Active' within four (4) calendar days after the listing agreement has been fully executed."

The HiCentral MLS Board of Directors has approved changing this to read:

### Paragraph 1 Section 1: Listing Procedures

... shall be submitted to the MLS as "Active" within four (4) calendar days after the beginning of the listing period as set forth in the listing agreement that has been fully executed, including any addenda thereto: Or as provided elsewhere in these Rules and Regulations - namely Sections 1.01 "Clear Cooperation" and 1.2.3 "Coming Soon" Listings.

## Why are we making this change? Background for Rule Change

There was confusion and inconsistencies with the interpretation and application of this fundamental rule and the need became especially clear after Clear Cooperation and Coming Soon were added to the HiCentral MLS Rules.

The rule was changed to allow for the following:

- 1) For the common practice of obtaining a fully executed listing agreement with the intent to list the property in the MLS after certain preparations have been made – i.e. photos taken, painting, or other renovations.
- 2) The need for a shorter period between obtaining a signed listing agreement, advertising a property, and listing the property in the MLS under Clear Cooperation; and/or
- 3) The option allowed elsewhere in the rules for Broker to input a listing as "Coming Soon" before the listing is changed to "Active" in the MLS.

## What's the Bottom Line? What this means for Brokers

Instead of needing to submit a listing within 4 days of a signed listing agreement, you need to submit your listing as "Active" within 4 days of the listing date – as indicated by the seller in paragraph A5 of the Exclusive Right to Sell Listing Agreement.



## Examples

### Scenario 1 – “Ideal”:

**Listing Agreement Signed:** April 29<sup>th</sup> (4/29/22) by all parties

**Fully Executed:** April 29<sup>th</sup> (4/29/22)

**A-5 LISTING PERIOD:** Begins (date) 4/29/22

**A-10 Additional Terms:** Blank (No additional Instructions)

**Addendum:** None

**When should the listing be “Active” in the MLS?**

- Within 4 calendar days of 4/29/22

**What should the “Listing Date” be in the MLS?**

- 4/29/22

### Scenario 2 – Seller supersedes A-5 with A-10:

**Listing Agreement Signed:** April 29<sup>th</sup> (4/29/22) by all parties

**Fully Executed:** April 29<sup>th</sup> (4/29/22)

**A-5 LISTING PERIOD:** Begins (date) 4/29/22

**A-10 Additional Terms:** Instructs listing to be marketed on 5/15/22 after photos are ready.

**When should the listing be “Active” in the MLS?**

- No more than 4 days after 5/15/22,  
OR
- With the agreement of the client, listing could be marketed as “Coming Soon”

**What should the “Listing Date” be in the MLS?**

- 5/15/22

### Scenario 3 – Seller supersedes A-5 with amendment/addendum:

**Listing Agreement Signed:** April 29<sup>th</sup> (4/29/22) by all parties

**Fully Executed:** April 29<sup>th</sup> (4/29/22)

**A-5 LISTING PERIOD:** Begins (date) 4/29/22

**A-10 Additional Terms:** Blank

**Amendment/Addendum:** Seller signs amendment, stating that the new listing date is 5/20, and agrees to market the property as “Coming Soon” until 5/20.

**When should the listing be input into the MLS?**

- The listing should be input into the MLS as “Coming Soon” as soon as 4/29

**When should the listing be “Active” in the MLS?**

- No more than 4 calendar days after 5/20/22

**What should the “Listing Date” be in the MLS?**

- 5/20/22



## Scenario 4: - Clear Cooperation Violation

**Listing Agreement Signed:** February 12<sup>th</sup> (Sellers) February 14<sup>th</sup> (Listing Agent and Broker)

**Fully Executed:** February 14<sup>th</sup> (2/14/22)

**A-5 LISTING PERIOD:** Begins (date) 2/15/22

**A-10 Additional Terms:** Do not enter in MLS until professional photos ready on March 15<sup>th</sup>.

**Additional Facts:** Listing Agent posted the listing on the Facebook Coming Soon Group on Feb. 16, and an agent reports to the MLS that they can't find this listing in the MLS.

### When should the listing be input into the MLS?

- The listing should be input into the MLS within 1 calendar day of February 16<sup>th</sup> – the date it was first marketed on social media.

### When should the listing be in the MLS (as either Coming Soon or Active)?

- Broker/Agent MUST obtain an agreement from the seller indicating a new "Active" date and agreement on a "Coming Soon" marketing strategy if applicable.

### What should the "Listing Date" be in the MLS?

- The listing date needs to be agreed to with the seller and accurately represented in either A-5, A-10, or any Amendment/Addendum.
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## Additional Information

- 1) MLS Listing Date must be clearly stated in the standard Exclusive Right-to-Sell or Exclusive Agency Listing Contract.
- 2) If the Listing Contract was executed after an offer was accepted, the Listing Period Begin Date shall be a date that is the same or prior to the Seller's agreement date stated in the Purchase Contract.

## FAQs and Definitions:

### MLS Listing Date:

Date a property is marked as **Active** in the MLS

### MLS Listing Period:

Listing Period is defined as the **beginning** and **ending** date of a Listing Contract

### Incoming Status:

- **Listing Date Field** = MLS System doesn't require date
- Incoming status is like a "Draft" status
- Not visible to other Subscribers/Participants
- Does **not** require a Listing Agreement, as the data is **only** visible to the agent
- Does not satisfy Clear Cooperation Policy



## Coming Soon Status:

- Listing is being prepared for marketing
- Client **must** provide their informed written consent
- Listing may only be “Coming Soon” for **30** days
  - **NOTE:** *Before 30 days is up, listing **must** be changed to Active, Withdrawn, or Expired*
- Satisfies Clear Cooperation Policy
- HICMLS will **not** syndicate listing to outside websites like IDX or Portals **Listing Date Field = MLS System doesn't require date**
  - Prior to changing Listing “Active”, make sure to update MLS List Date
- Marketing IS permitted
  - *Ex: Yard signs, social media, email, etc.*
- Showings and offers **are** allowed, but Open Houses are **not**

## Active Status:

- Listing is ready to be marketed to the public
- Satisfies Clear Cooperation Policy
- Must be listed in the MLS within **four (4)** calendar days of a **fully executed** Listing Agreement **OR** within **one (1)** calendar day of any public marketing – whichever is sooner
- **Listing Date Field = Listing Date shall be the date marketed as ACTIVE in MLS**

## Exempted Listing (AKA Office Exclusive):

- Client has decided to restrict marketing to the listing Broker's office **only**
- Broker **must** have written consent from the client to keep the listing “Office Exclusive”
- **Any** marketing, including marketing by the client, to any persons outside the brokerage can be seen as a violation of Clear Cooperation Policy
- Listing agreement **must** be filed with HICMLS within **four (4)** calendar days of signed listing agreement
- **Listing Date Field = Listing Date shall be the Listing Period begin Date for Listing Contract**