



Clear Cooperation Policy



For years, REALTORS® have debated the risks and merits of so-called pocket listings, "coming soon" listings, and listings that are marketed on private networks rather than being shared cooperatively through a local multiple listing service. Advocates say that sellers' desire for privacy and advances in technology have led to the expansion of these off-market listings. Others believe that keeping listings off of the MLS reduces buyers' choice, skews market data, and may not be in the sellers' best interests.

The policy came from an NAR advisory board and was developed to foster broker cooperation and address the problems surrounding off-market listings. This policy has become known as the Clear Cooperation Policy.

The Clear Cooperation policy was passed by the NAR Board of Directors in November 2019 and is mandatory for local MLSs to implement by May 1, 2020.



Background



Clear Cooperation Policy

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. (Adopted 11/19)





Agents have five (5) business days to enter a listing into the MLS after all necessary signatures of seller(s) have been obtained for listings that are located in Escambia or Santa Rosa counties.

If the listing is marketed publicly, then the agent has one (1) business day to enter it into the PAR MLS.



Categories

The Clear Cooperation Policy **only** applies to existing RESIDENTIAL properties.

The policy does **NOT** apply to the following Categories or Property Types:

- Residential – New Construction
- Land
- Rental
- Multi Family
- Commercial Sales
- Commercial Lease



Marketing a Listing Publicly

- Placing a sign in the yard.
- Advertising the listing on any website (brokerage, social media, etc.).
- Handing out or posting flyers.
- Digital Communications Marketing (email blasts).
- Multi-brokerage listing sharing networks (Facebook groups).

Marketing a listing publicly is not limited to the listing agent. If the listing is found to be marketed publicly by **anyone**, it will then be required to be uploaded into the MLS within one (1) business day.



Violations

What happens when my sign guy puts up the sign early?

There are NO automatic fines with the Clear Cooperation Policy

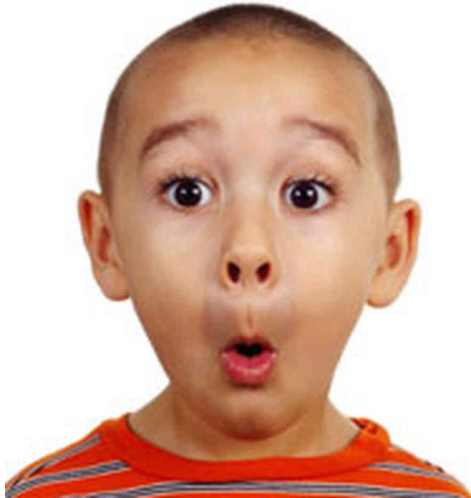
If the MLS Department finds the listing in violation, then a citation email will be sent to the listing agent and a copy to the broker. The listing agent will be given one (1) business day to place the listing into the MLS as active or coming soon.

Fines will only be assessed if the listing agent does not comply with the citation email.

If you find a Clear Cooperation violation, please send detailed information to:

violations@pensacolarealtors.org.

Be sure to include the address and listing agent along with a screen shot or photo of the public marketing. The burden of proof will be the responsibility of the member turning in the violation. The MLS Department will not process any reports that do not include some type of proof.



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Violations

1st violation

Broker is fined \$500, listing agent must attend MLS Orientation within 60 days and is placed on a six (6) month probationary period.

2nd violation (on probation)

Broker is fined \$3,000, listing agent is suspended from the MLS for 90 days.

2nd violation

Broker is fined \$3,000, listing agent is suspended from the MLS for 30 days.

3rd violation

Broker is fined \$10,000, listing agent is suspended from the MLS for six (6) months.



Best Practices for the Clear Cooperation Policy

Communication is KEY!

- Agents
- Office Assistants
- Sign Vendors
- Sellers

Visit www.PARWiki.com/clearcooperation to find definitions, facts, how to report a violation and much more!



Questions?