



## POLICY UPDATE

## CLEAR COOPERATION POLICY FAQ

### 1. What is the Clear Cooperation Policy (CCP)?

The Clear Cooperation Policy is a NAR-mandated policy that requires listing brokers to enter their listings into the multiple listing service within one (1) business day of marketing a property to the public.

### 2. What is considered public marketing?

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.

### 3. Does SDMLS have to adopt the CCP?

Yes. SDMLS, like MLS providers across the country, are required to adopt the policy May 1st, 2020

### 4. What property types does this apply to?

Residential, Vacant Residential lot, and Residential 1-4 units.

### 5. Has SDMLS added a new rule for CCP?

SDMLS has modified the existing rule for excluding listings. The NAR Clear Cooperation language has been added to MLS Rule 7.6 Exempted Listings. If the seller refuses to permit the listing to be disseminated by the service, the participant shall submit to the service an authorization to exclude listing (see Appendix E) from the MLS signed by the seller within forty-eight (48) hours after all necessary signatures of seller(s) have been obtained on the listing. **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.**

### 6. If the seller excludes the property from the MLS, can I still put a For Sale sign on the property?

No. Putting up a sign is marketing and would trigger the requirement to submit the listing into the MLS within one business day.

### 7. What is the definition of "business day"?

Business days are Monday through Friday, excluding Saturdays, Sundays, and federal/state holidays.

### 8. Are office exclusives allowed?

Yes. An office exclusive will be treated the same way they always have been. If the seller would like to withhold their property from the MLS for a temporary amount of time, or for the length of the listing, an Exclusion would still be submitted to [rules@sdmls.com](mailto:rules@sdmls.com).

### 9. Is there a specific form I need to submit to the Rules Department to exclude the listing?

SDMLS is flexible and will except the C.A.R.® SELM Form found in Zip Forms as well as the following forms that can be found on [sdmls.com](http://sdmls.com) under the Rules tab:

- The modified SDMLS Authorization to Exclude form, which includes CCP language for the consumer that can be printed out.
- An online abbreviated form that is considered a confirmation from the listing broker that an Exclusion has been signed by the seller and is on file with the brokerage
- A new option rolling out in the near future for a SDMLS Exclusion Form that can be signed via DocuSign.



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**10. How will SDMLS monitor off market listings that are in violation of the CCP?**

There is no electronic monitoring that exists to be able to identify off market listings in violation of the CCP. If a listing is reported as being in violation, our staff will follow up with the listing agent and broker with a notification that the off-market listing must be entered into the MLS within one business day.

**11. Can an Off-MLS closed sale still be input into the MLS as a comp?**

Yes. The Clear Cooperation Policy does not change the Off-MLS closed sale listing eligibility from being entered in the MLS once a sale closes.

**12. What if I have a property with an exclusion currently on file and the listing is not going to go into the MLS until May 15?**

Pre-marketing would need to cease including removing any signs on the property and any coming soon activity considered marketing to the public. When the listing is ready to go into the MLS within one business day, the sign can be placed back on the property.

**13. What are the penalties for violations of the CCP?**

SDMLS staff will be issuing warnings to listing agents and listing brokers and giving them one day to enter the listing into the MLS. Repeat infractions will result in a fine of \$500 and progress per the SDMLS Rules Citation Enforcement Policy.

**14. How do I report a violation?**

Violations can be reported to [rules@sdmls.com](mailto:rules@sdmls.com) or [legal@sdar.com](mailto:legal@sdar.com). Please consider SDMLS does not have jurisdiction over all listings found in the MLS due to our data share with other organizations. Additionally, we are hoping that as a community we allow for a learning curve and work together to make this a success for clear cooperation.



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