



CLEAR COOPERATION POLICY RULES

NAR APPROVED CLEAR COOPERATION POLICY 8.0



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.

Property types affected by this policy are:

Residential, Residential Vacant Lot and Residential 1-4 Unit Properties

CRMLS RULE 7.9

MANDATORY SUBMISSION

Mandatory Submission upon Marketing: Within one (1) business day of marketing or advertising a property to any member of the public the Listing Broker must submit the property into the MLS for cooperation with other MLS participants. Marketing and advertising includes, but is not limited to, any information about the property or its availability for sale displayed on any: signs, websites, social media, brokerage or franchise operated websites, communications (verbal or written), multi-brokerage or franchise listing sharing networks, flyers or written material, on any applications, or by conducting an open house. Any individual or entity that has signed within the previous year a Disclosure Regarding Real Estate Agency Relationship form in compliance with CA Civil Code section 2079.16 that identifies the Listing Broker shall not be considered a “member of the public” under this rule.

MARKETING DEFINED

1 WHO?

The Public

Public:

Anyone who has not signed the AD Form with the Listing Broker within the last year, or is not an agent underneath the same designated Broker

2 WHAT?



**DISCLOSURE REGARDING
REAL ESTATE AGENCY RELATIONSHIP**
(As required by the Civil Code)
(C.A.R. Form AD, Revised 12/18)

To: Home Buyer Leads
From: Jane Agent
Subject: See the latest listings!
Copy: Hi [Lead Name],
Curious to see what's new on the [market name] market? Check out the latest homes for sale to list in the area by clicking here, where I routinely update the most recent listings and offer comprehensive details for each one: everything from asking price, to home dimensions, to property history.

THE PROCESS PRIOR TO 5/4/20

1

Seller signs **listing contract**



2

- Listing broker has **two (2) business days** from the listing contract date to either:
 - Enter listing into MLS as **ACTIVE** status
 - Submit **listing exclusion form** (e.g. C.A.R. SELM or CRMLS Listing Exclusion Form)
- Listing broker may only exclude listing from MLS if instructed by seller and seller signs listing exclusion form

THE NEW PROCESS AS OF 5/4/20

1

Seller signs **listing contract**



2a

Listing broker has **two (2) business days** from the listing contract date to Input the Listing into the MLS as:

EXCLUDED (REGISTERED IS NOT YET AVAILABLE)

or **COMING SOON**

or **ACTIVE**

AND

2b

Within one (1) business day of marketing the property, the Listing Broker must ensure the listing is in the **Coming Soon** or **Active** status.

If the property is never marketed, then the listing does NOT need to be placed into Coming Soon or Active.

DIFFERENCES IN STATUSES

REGISTERED/ EXCLUDED

No Marketing
Not Displayed in MLS
No Commission Offered
No DOM
No Distribution
through MLS
Showings Only to
Listing Broker Client

COMING SOON

Marketing Allowed
Displayed in MLS
Commission Offered
No DOM
Limited Distribution
through MLS
No Showings
21 Days Only

ACTIVE

Marketing Allowed
Displayed in MLS
Commission Offered
DOM Counts
Full Distribution
through MLS
Showings Allowed

What's Required for **Registered**?

Address
Listing Contract Date
Price
Expiration Date
Marketing Start Date

Who can see **Registered** listings?

Listing Agent, Listing Broker, Office Managers and MLS Staff

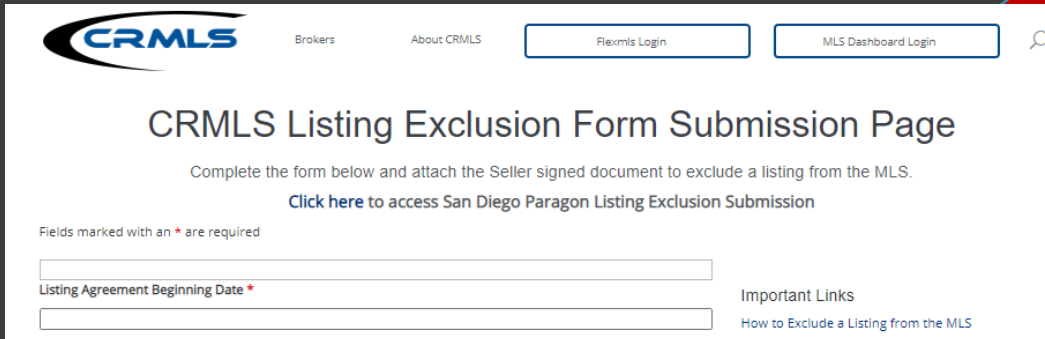
Who can see **Coming Soon** listings?

All CRMLS users

THE REGISTERED STATUS WILL REPLACE THE CRMLS EXCLUDE LISTING PROCESS IN SUMMER 2020

CAR has made changes to the CAR SELM form

The CRMLS-specific Exclusion form has been retired.



The screenshot shows the CRMLS Listing Exclusion Form Submission Page. At the top, there is a navigation bar with the CRMLS logo, links for Brokers, About CRMLS, Flexmls Login, and MLS Dashboard Login. The main heading is "CRMLS Listing Exclusion Form Submission Page". Below this, it says "Complete the form below and attach the Seller signed document to exclude a listing from the MLS." and "Click [here](#) to access San Diego Paragon Listing Exclusion Submission". A note states "Fields marked with an * are required". There are two input fields: "Listing Agreement Beginning Date *" and an empty field. To the right, there are links for "Important Links" and "How to Exclude a Listing from the MLS". A red arrow points from the "Click here" link to the "REGISTERED" box.

REGISTERED

No Marketing
Not Displayed in MLS
No Commission Offered
No DOM
No Distribution through MLS
Showings Only to Listing Broker Client

What's Required for **Registered**?

Address
Listing Contract Date
Price
Expiration Date
Marketing Start Date

RULE 9.3 - SHOWINGS

9.3 Availability to Show or Inspect. Listing Brokers shall not misrepresent the availability of access to show or inspect a listed property. For any property in which Listing Broker selected a status of **Coming Soon** or **Hold**, Listing Broker represents that the property shall have no showings or tours, by Listing Broker or otherwise, until such a time as the Property is placed in the Active or Active Under Contract status.

Rule 10.1 - COMING SOON

A valid listing contract exists, and no offer has been accepted.

The Listing Broker is in possession of a seller signed instruction to submit the listing as "Coming Soon".

Marketing and Advertising as defined in Rule 7.9 is permitted and shall include language that property is "Coming Soon" and shall include the date for which property will become Active.

The property is not available for showings consistent with Rule 9.3

COMING SOON IN FLEX

The Main Fields tab has been updated to include Coming Soon as a status option.

The screenshot displays the 'Add Listing - Residential' form. At the top, there are five tabs: 'General', 'Address', 'Main Fields', 'Details', and 'Broker Distribution'. The 'Main Fields' tab is selected and highlighted with a red box. Below the tabs, the section 'Listing, Location and Property Info' is visible. Within this section, the '[Status]' field is highlighted with a red box. A red arrow points from the 'Main Fields' tab to the '[Status]' field. Another red arrow points from the '[Status]' field to a dropdown menu. The dropdown menu is open, showing three options: 'Active' (selected), 'Active', and 'Coming Soon'. The 'Coming Soon' option is highlighted with a red box. To the right of the dropdown menu, the text '“Coming Soon”' is displayed. Below the '[Status]' field, there are two other fields: '[Expiration Date]' and '[Listing Price]' with a speech bubble icon.

General	Address	Main Fields	Details	Broker Distribution
Listing, Location and Property Info				
[Status]		Active <input type="button" value="v"/> “Coming Soon”		
[Expiration Date]		Active		
[Listing Price] ⓘ		Coming Soon		

COMING SOON IN FLEX

The new Start Showing Date field is required if Coming Soon is chosen. The date must be within 21 days of the listing input date.

Add Listing – Residential

General Address **Main Fields** Details Broker Distribution

Listing, Location and Property Info

[Status] Coming Soon ▾ “Coming Soc

[Start Showing Date] ⓘ 5/8/2020

Start Showing Date has the following restrictions:

- Minimum days after Entry Date: 1 days
- Maximum days after Entry Date: 21 days

[Service Level] Select One ▾

COMING SOON FORM

The Coming Soon form is also available for download at:
crmls.org/clear-cooperation-policy

The screenshot displays the CRMLS website interface. At the top, the CRMLS logo is on the left, and navigation links for 'Brokers', 'About CRMLS', 'Flexmls Login', and 'MLS Dashboard Login' are on the right. Below this is a secondary navigation bar with links for 'IDX Resources', 'Listing Input Forms', 'CRMLS Association Product Co-op', 'Marketplace', and 'CRMLS Vendor Request Form'. The main content area features a large banner with the text 'CLEAR COOPERATION POLICY' over a background image of hands signing a document. Below the banner, a section titled 'Helpful resources on the Clear Cooperation Policy:' contains three buttons: 'Coming Soon Form' (highlighted with a red box and a red arrow), 'CCP slide deck for Matrix', and 'CCP slide deck for Paragon'. A small grey box with the text 'Helpful information to keep you informed.' is also visible on the right side of the banner area.

Rule 10.1 - HOLD

Hold (H):

The Listing Broker is in possession of a seller written instruction to submit the listing as "Hold".

Marketing and Advertising as defined in Rule 7.9 is permitted.

The property is not available for showings consistent with Rule 9.3.

CITATION POLICY



Citation Fine for violation of 7.8, 7.9, 7.9.1, 9.3 is in the amount of:

**1% of the list price or \$500
whichever is greater not to exceed
the amount of \$2,500.**

Each Violation will receive a
WARNING and opportunity to
correct before any fine is issued.

NEXT STEPS

May 1, 2020

Rule implementation

May 4, 2020

Enforcement begins

Summer 2020

Registered status available

The Registered status will become available at a later date in 2020.
Until then, the current exclusion process will remain in place.

QUESTIONS or FEEDBACK?

Email **ClearCooperation@crmls.org**

Visit **CRMLS.org** to access the
Clear Cooperation Policy Resources page

