

A collage of three office scenes. The left scene shows two women in conversation, one with blonde hair and one with dark hair. The middle scene shows a woman with dark hair sitting at a desk with a laptop. The right scene shows a man with blonde hair and glasses talking on a mobile phone. A blue horizontal band with white text is overlaid across the middle of the collage.

# 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**

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# 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?

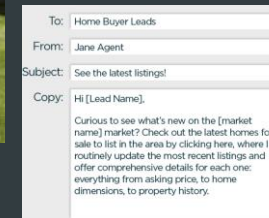
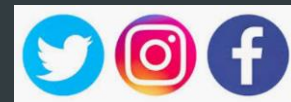
2 WHAT?

## 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

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



# 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

## 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

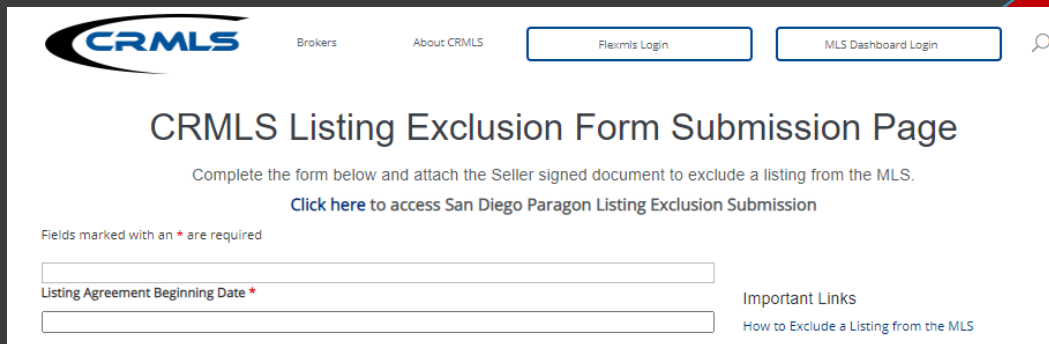
### Who can see **Coming Soon** listings?

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 the heading, there is a sub-heading: "Complete the form below and attach the Seller signed document to exclude a listing from the MLS." and a link: "Click here to access San Diego Paragon Listing Exclusion Submission". A note states "Fields marked with an \* are required". There are two input fields: one for "Listing Agreement Beginning Date" with an asterisk, and another empty field. To the right of the input fields, there is a section titled "Important Links" with a link "How to Exclude a Listing from the MLS".

## 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.

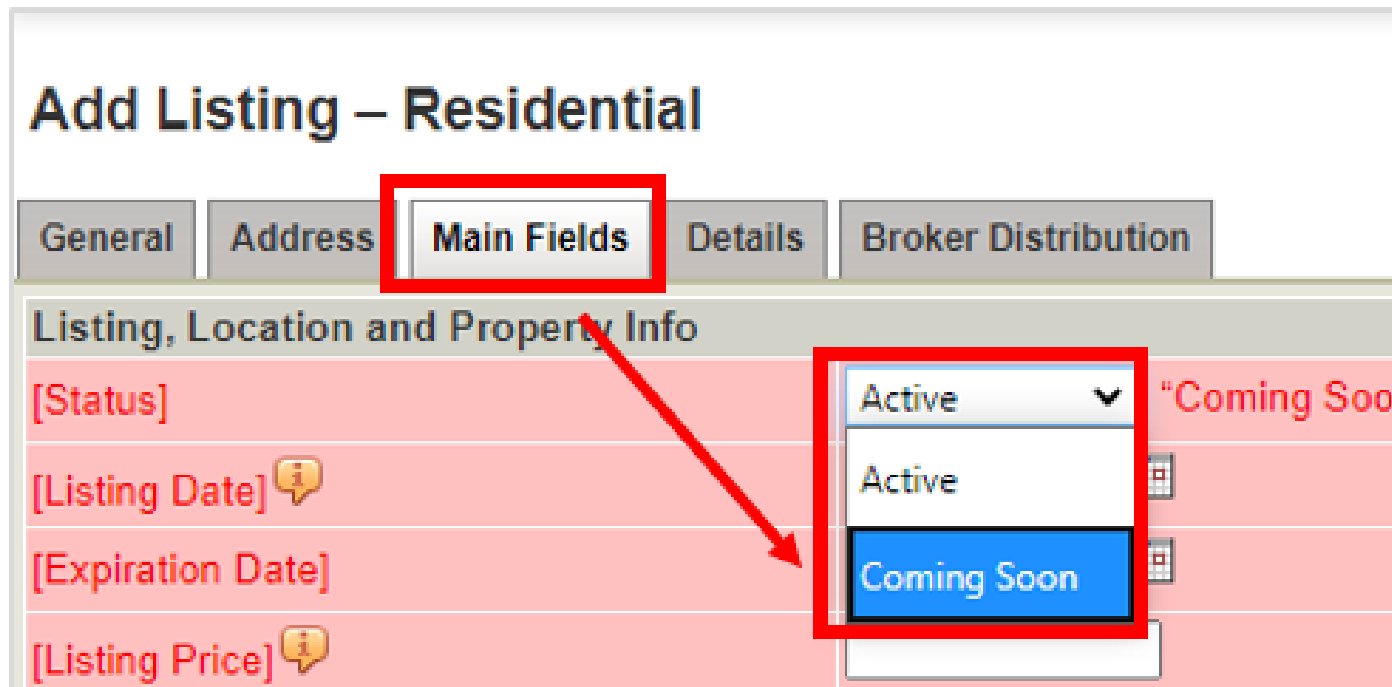
The Listing Broker is in possession of a seller signed instruction to submit the listing as "Coming Soon".

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 now includes Coming Soon as a status option.



The screenshot displays the 'Add Listing - Residential' form interface. At the top, there are five tabs: 'General', 'Address', 'Main Fields', 'Details', and 'Broker Distribution'. The 'Main Fields' tab is highlighted with a red box. Below the tabs, the section is titled 'Listing, Location and Property Info'. The form contains several fields: '[Status]', '[Listing Date]', '[Expiration Date]', and '[Listing Price]'. The '[Status]' field is currently set to 'Active', but a dropdown menu is open, showing three options: 'Active', 'Active', and 'Coming Soon'. The 'Coming Soon' option is highlighted in blue. A red arrow points from the 'Main Fields' tab to the dropdown menu. The text 'Coming Soo' is partially visible to the right of the dropdown.

# COMING SOON IN FLEX

Listing Date is required if Coming Soon is chosen.

**Add Listing – Residential**

General | Address | **Main Fields** | Details | Broker Distribution

Listing, Location and Property Info

[Status] Active "Coming S

[Listing Date] ⓘ

**Listing Date has the following restrictions:**

- Maximum days after current date: 0 days
- Maximum days before current date: 180 days

[E]

[L]

Val ?

[Service Level] Select One

[Property Sub-Type] Select One

Detailed description: This is a screenshot of a web form titled "Add Listing - Residential". The form has several tabs: "General", "Address", "Main Fields", "Details", and "Broker Distribution". The "Main Fields" tab is selected and highlighted with a red box. Below the tabs is a section titled "Listing, Location and Property Info". The first row contains a "[Status]" field with a dropdown menu set to "Active" and a red label "Coming S". The second row contains a "[Listing Date]" field with a calendar icon and a red tooltip box. The tooltip box, also outlined in red, contains the text "Listing Date has the following restrictions:" followed by two bullet points: "• Maximum days after current date: 0 days" and "• Maximum days before current date: 180 days". Below the tooltip are several other form fields, including "[E]", "[L]", "Val" with a red question mark icon, "[Service Level]" with a dropdown menu set to "Select One", and "[Property Sub-Type]" with a dropdown menu set to "Select One".

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# 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](mailto:ClearCooperation@crmls.org)

Visit [CRMLS.org](https://www.crmls.org) to access the Clear Cooperation Policy Resources page

