



Clear Cooperation Policy

NAR mandated rule takes effect May 1, 2020

The Rule

Rule 302.2

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.

What is the definition of one business day?

Business days are Monday – Friday excluding state/federal holidays.

(Adopted 11/19)

What is "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
- Applications available to the general public.

How Did This Come About?

Brokers and MLSs from across the country asked NAR to consider policy that will reinforce the consumer benefits of cooperation.

The MLS creates an efficient marketplace and reinforces the pro-competitive, pro-consumer benefits that REALTORS® have long sought to support. After months of discussion and consideration within NAR's MLS Technology and Emerging Issues Advisory Board, this proposal was brought forth for the industry to discuss and consider, then approved by NAR's Board of Directors.

The Thinking of the NAR Directors Was That:

The policy solidifies that the MLS exists for cooperation (and compensation) among brokerages and that if participants are in the MLS, cooperation is the first, not the last, option to promote a listing.

Is this policy consistent with Article 3 of the Code of Ethics which states “REALTORS® shall cooperate with other brokers except when cooperation is not in the client’s best interest. The obligation to cooperate does not include the obligation to share commissions, fees, or to otherwise compensate another broker.”?

YES. By joining the MLS, Participants agree to be bound by the MLS Rules and Regulations. Per the policy’s rationale, the public marketing of a listing indicates that the MLS participant has concluded that cooperation with other MLS participants is in their client’s best interests.

Does this policy prohibit Office Exclusives?

NO. "Office Exclusive" listings are an important option for sellers concerned about privacy and wide exposure of their property being for sale. In an office exclusive listing, direct promotion of the listing between the brokers and licensees affiliated with the listing brokerage, and one-to-one promotion between these licensees and their clients, is not considered public advertising.

Is there still a requirement to send office exclusives to the MLS?

Yes, Office Exclusive Listings shall be submitted to the MLS before midnight of the day after their Listing Date, along with a copy of a duly-signed “Office Exclusive Seller Disclosure”.

There is an automatic fine of \$50 for failure to do so.

Which property types
does this govern?

All property types other than
Commercial and Multi-Family
5+ are covered by this policy.

What would be considered public marketing, which would mandate the listing to be entered on the MLS?

- Yard signs
- Flyers displayed in windows
- Social media networks
- Digital marketing on public facing websites
- Brokerage or agent website displays including IDX and VOW displays
- Digital communications marketing which includes emails blasts, multi-brokerage listing sharing networks, etc.
- Any other applications available to the general public.

How Are You Allowed to Share Your Office Exclusives With Others?

- They may be shared with your entire firm.
- They may be shared with customers or clients which you feel would be interested in that particular property This may only be done on a one to one basis.

What will the fine be for violating this rule?

\$2500 + \$100 per day until entered on MLS

QUESTIONS?

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