



# Clear Cooperation FAQ's

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NAR's Clear Cooperation Policy went into effect May 1, 2020 and here are the most frequently asked questions from our REALTORS® :

## **What is Clear Cooperation?**

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 does public marketing include?**

Public marketing includes, but is not limited to: flyers displayed in windows, yard signs, digital marketing on public facing websites, social media networks, brokerage website displays (including IDX and VOW), digital communications, marketing (email blasts), multi-brokerage listing sharing and 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. Exclusive listings may be shared with customers, or clients that you feel would be interested in that particular property and can only be done on a one to one basis.

## **What is the definition of one business day?**

Business days are Monday-Friday, excluding state/federal holidays. If the listing is publicly marketed on Friday, the listing must be entered into the MLS system on Monday.

## **How do you handle any Exclusive Listing that were taken prior to May 1, 2020?**

The Clear Cooperation Policy only governs office exclusive listings taken beginning on May 1st. Any yard signs and publications on websites may remain in place on prior listings.

## **Am I able to advertise an open listing?**

Yes, since there is no exclusive agreement between the broker and the seller an open listing is not allowed to be on MLS.

## **Why did the NAR Board of Directions want this policy in place?**

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” form. For Stratus users the completed forms must be emailed to [dataentry@lirealtor.com](mailto:dataentry@lirealtor.com) or fax to 631- 661-4589. Matrix user’s must email [support@hgar.com](mailto:support@hgar.com)

Note that there is an automatic fine of \$50 for failure to do so.

**After you enter the office exclusive in the private listing section of Stratus and submit the form, can you post it on Zillow, Trulia, and other real estate sites? Will exclusives still be syndicated to Zillow?**

Office Exclusives may not be posted on any websites and will not be syndicated.

**Do buyer brokers have the right to get access into another firms exclusive listings and if so, HOW?**

You would contact the listing broker. The Code of Ethics and DOS regulations require cooperation. There is no requirement for compensation

### **Which property types does Clear Cooperation govern?**

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

### **What about Coming Soon - when is that going into effect?**

This function will likely be available in early June 2020.

### **What is the fine for violating this rule?**

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

### **How do I report someone that I believe is violating the Clear Cooperation Policy?**

Stratus users would email [customerservice@lirealtor.com](mailto:customerservice@lirealtor.com) and Matrix users would email [support@hgar.com](mailto:support@hgar.com) with either a link to the listing on a website or a photo of a yard sign. Please remember public marketing is allowed for office exclusives taken prior to May 1, 2020.

### **What if a house is being renovated and not ready for MLS can you put a sign up if you allow other brokers to show even if not on MLS yet?**

No, if a yard sign is up that would be considered public marketing. If this was to be a coming soon listing, it could not be shown during the coming soon period.

### **Will a private listing when it closes come up for use as a comp? Will it be credited toward Market Share?**

No, only listings available to be shown must be entered in the MLS database.

### **What about rental apartments? Does the same marketing rules apply?**

Yes, rentals are covered under the Clear Cooperation Policy.

### **What if I have questions about the Clear Cooperation who should I contact?**

- a. Email your questions to [info@onekeymls.com](mailto:info@onekeymls.com)
- b. Stratus users --Call Customer Service at 631-661-4800 - Matrix users call 914-681-0833
- c. Visit the HELP Center at [onekeymlsny.com](http://onekeymlsny.com) for additional information on Clear Cooperation