

Questions & Answers

NAR Clear Cooperation Policy

Q: How does this new rule affect Delayed listings?

A: If you are marketing your delayed listing to the public (for example, as coming soon or by placing a sign in the yard), you would need to input that listing in the MLS within 1 business day of when marketing begins. If you are not yet marketing to the public, you still have 4 calendar days to input the listing in the MLS. You still have the option to input the listing as Delayed, or as Active with a note in the first line of the public remarks as to when showings will begin.

Q: Are firm exclusive listings exempt from mandatory MLS inclusion?

A: Yes. Promotion of a firm exclusive 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. If however, a firm exclusive listing is displayed or advertised to the general public or to agents outside the listing office, it must also be submitted to the MLS for cooperation within 1 business day. This includes advertising done by, or on behalf of, the seller.

Q: Can I distribute information regarding an firm exclusive listing to a potential buyer?

A: Yes. Direct individual one-to-one distribution to an existing buyer is allowed

Q: Can I advertise that I have firm exclusive listings not on the MLS with the intent of capturing new buyers?

A: No. Office exclusive listings can be shared with existing buyer clients. Advertising the existence of an office exclusive listing to capture new buyers violates the intent of the Clear Cooperation Policy.

Q: Can I cooperate with an agent outside my office to sell a firm exclusive listing?

A: Yes. If an agent outside your firm is made aware from another source that you have a specific property listed, and they approach you privately about that specific listing, you can cooperate with them. The inquiry must identify the exact property, and cannot be a general question asking about a type of property. Any response, public or private, to a general question about a type of property that alerts anyone to the existence of a private listing within your firm is also a violation. Keep in mind that no advertising would have been allowed to the person inquiring, so it is recommended you inquire as to how they found out about your specific office exclusive listing, and be prepared to share that information if asked.

Q: Does the MLS require any notice of a firm exclusive listing?

A: Yes. You are required to submit a copy of the listing contract and the [SCWMLS Seller Exclusion Form](#) within 4 days of the effective date of the office exclusive listing.

Q: Are agent owned listings exempt from mandatory MLS inclusion?

A: Yes. Unless an agent lists and/or markets their property through their broker, they have no obligation to enter the listing in the MLS, even if they personally market it. This would also apply to builders who hold a valid real estate license.

Q: When does new construction owned by a builder-member need to be input in the MLS?

A: Once a building permit is secured, a new construction listing must be submitted to MLS within 1 business day of marketing. If not being marketed, it can be entered at the discretion of the builder-member.

Q: What was the NAR Rationale for this change?

A: Distribution of listing information and cooperation among MLS participants is pro-competitive and pro-consumer. By joining an MLS, participants agree to cooperate with other MLS participants except when such cooperation is not in their client's interests. The public marketing of a listing indicates that the MLS Participant has concluded that cooperation with other MLS participants is in their client's interests. This policy is intended to bolster cooperation and advance the positive, pro-competitive impacts that cooperation fosters for consumers. This policy has been endorsed by NAR legal counsel and passed with overwhelming majorities in the policymaking process.

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