

Clear Cooperation (Policy Statement 8.0)

Section 1.01 – Clear Cooperation

Within one (1) business day of marketing the 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.

Adopted 11/19 by NAR

Adopted 2/20 by IRMLS

What about Exempt Listings?

Section 1.3 Exempt Listings states:

If the seller refuses to permit the listing to be disseminated by the service, the participant may then take the listing (office exclusive) and such listing shall be filed with the service but not disseminated to the participants. Filing of the listing should be accompanied by certification signed by the seller that he does not desire the listing to be disseminated by the service.

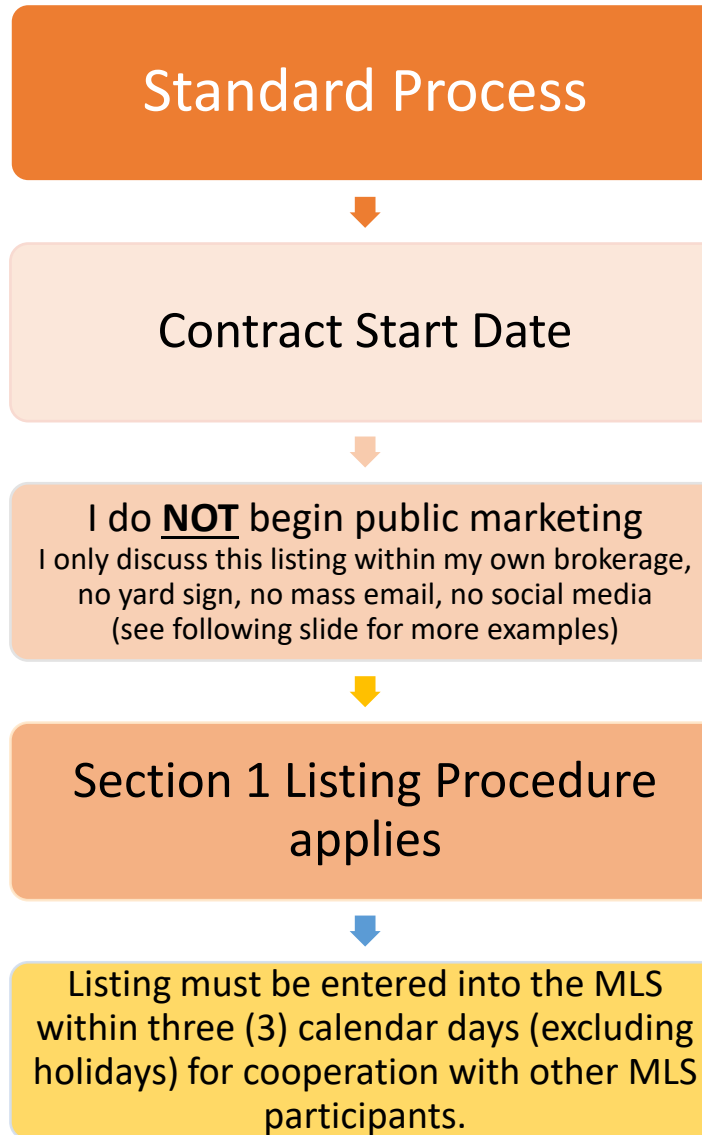
IRMLS Listing Procedure

Section 1 Listing Procedure

Listing of real property of the following types, which are listed subject to a real estate broker's license, and are located within the service area of the multiple listing service, and are taken by participants on exclusive right-to-sell listing contracts and exclusive agency listing contracts shall be delivered to the multiple listing service within **three (3) calendar days (excluding holidays)** with the first day starting after all necessary signatures of sellers(s) have been obtained

IRMLS Listing Procedure

How many days do I have to enter my listing into the MLS?



What is public marketing?

Examples include (not all inclusive):

- Sign in the yard
- Flyer or sign in the window
- Email or text to any broker outside my firm
- Social media post (Facebook, Instagram, Twitter, etc.)
- Public facing websites (including affiliate/third party websites)
- Verbal conversations with agents outside your own firm
- Any marketing technique the public can access

What happens if I don't comply?

Section 9.3 Violations of Clear Cooperation Policy

If the alleged offense is a violation of the Clear Cooperation Policy (see Section 1.01) and does not involve a charge of alleged unethical conduct or request for arbitration, it may be administratively considered and determined by the Association where the listing participant participates, in accordance with that Association's enforcement procedures and rules. Each Association's disciplinary measures must include, at a minimum per subscriber, the following sanctions: **first violation: letter of warning, second violation: \$500 fine, third violation: \$1500 fine**, for additional violation after three violations, the participant and subscriber must appear before the IRMLS Board of Directors and the IRMLS Board of Directors will consider the imposition of sanction(s) in accordance with Section 7. Determinations by the IRMLS Board of Directors are final.



But it starts on May 1 !!!

Let's learn about the rule

There is an educational window from May 1, 2020 to August 1, 2020!

Does this apply to other property classes?

No. At this time, Clear Cooperation only applies to Residential Class.

Frequently asked questions . . .

- Can a seller or the listing broker “opt out” of the policy’s obligations?
 - No. The new policy does not include an “opt out.” Any listing that is “publicly marketed” must be filed with the service and provided to other MLS Participants for cooperation within (1) one business day.
- Does Policy Statement 8.0 require listings to be submitted to the MLS if they are advertised to a select group of brokers outside the listing broker's office?
 - Yes. "Private listing networks" that include more brokers or licensees than those affiliated with the listing brokerage constitute public advertising or display pursuant to Policy Statement 8.0. Listings shared in multi-brokerage networks by participants must be submitted to the MLS for cooperation.
- Does Policy Statement 8.0 apply to non-active listings?
 - Yes. Policy Statement 8.0 applies to any listing that is or will be available for cooperation. Pursuant to Policy Statement 8.0, "coming soon" listings displayed or advertised to the public by a listing broker must be submitted to the MLS for cooperation with other participants. MLSs may enact "coming soon" rules providing for delays and restrictions on showings during a "coming soon" status period, ensuring flexibility in participants' listing and marketing abilities, while still meeting the participant's obligations for cooperation.



For more information, go to <https://www.nar.realtor/about-nar/policies/mls-clear-cooperation-policy>

Office Exclusive Form

REALTORS® Association of Central Indiana

INDIANA REGIONAL MLS

REGISTERED OFFICE EXCLUSIVE FORM

Seller(s), and Managing Broker, along with Listing Agent, identified on the signature line below, have entered into a Listing Contract with an effective date of _____ (start date) and ending on _____ (end date) for the real property located at _____ (property address, city, state, and zip)

Seller(s) acknowledges that:

1. Managing Broker and Listing Agent participate in Indiana Regional MLS (IRMLS) and are subject to IRMLS's rules, regulations and policies.
2. Seller has instructed Managing Broker and Listing Agent to **not** disseminate Seller's property listing via IRMLS to other brokers and agents that participate in IRMLS, and that Seller's property listing should be an "Office Exclusive" listing.
3. Seller understands that by selecting an Office Exclusive listing that her/his property:
 - a. Will not be searchable in the IRMLS database of properties for sale;
 - b. Will not be disseminated to over 7000 brokers and agents who subscribe to IRMLS;
 - c. Will not be included in IRMLS's outgoing data feeds to broker and agent websites (IDX) or to portal websites where consumers often search for real estate for sale (e.g. Zillow, Realtor.com, Homes.com etc)
4. By selecting an Office Exclusive listing, under IRMLS policy, Managing Broker and Listing Agent are not permitted to publicly market the property listing. Public marketing includes, but is not limited to, flyers distributed 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.
5. If the property listing is publicly marketed, then it must be submitted to IRMLS and disseminated to other IRMLS brokers and agents **within ONE (1) business day of any public marketing.**

Sellers, Managing Broker, and Listing Agent acknowledge that the information contained on this form may be shared with Indiana Regional MLS staff and any of its association of REALTOR® members for compliance purposes.

By signing this form, Managing Broker and Listing Agent acknowledge that they will comply with IRMLS rules, regulations, and policies and all parties agree to the terms and conditions described in this form.

Seller 1 Signature

Date

Seller 2 Signature

Date

Listing Agent Signature

Date

Listing Agent Signature

Date

Company Name

Agent/Broker: In accordance with IRMLS Rules and Regulations Section 1.3, this fully executed form must be submitted to REALTORS® Association of Central Indiana within one (1) business day of the effective date of the Listing Contract to Stefani Closson, MLS Director: stefani@raci.org. Any violations of IRMLS policies are subject to sanctions and fines.

Clear Cooperation Reporting Form

REALTORS® Association of Central Indiana

INDIANA REGIONAL MLS

CLEAR COOPERATION REPORTING FORM

1. Information about You:

- a. Agent Name: _____
- b. Company Name: _____
- c. Email: _____
- d. Phone: _____
- e. Primary Association: _____

2. Information about a Potential Clear Cooperation Policy Violation

- a. Property Address (if known) _____
- b. Provide a brief description of nature of public marketing you observed (for reference, per IRMLS rules, "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):

- c. Listing Agent name/company name (if known): _____

- d. Attach a copy of the public marketing you observed (example, photo, screen shot, copy of email etc) If no attachment is provided, please provide an explanation. *Note: an incomplete reporting form may result in a delay of processing.*

Return this form to:

REALTORS® Association of Central Indiana
Stefani Closson, MLS Director
stefani@raci.org

Note: This completed form may be shared with IRMLS Regional Staff