

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 center 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**

# 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? 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

## 2 WHAT?



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

To: Home Buyer Leads  
From: Jane Agent  
Subject: See the latest listings!  
Copy: Hi [Lead Name],  
Curious to see what's new on the [market name] market? Check out the latest homes for sale to list in the area by clicking here, where I routinely update the most recent listings and offer comprehensive details for each one: everything from asking price, to home dimensions, to property history.

# THE CURRENT PROCESS AS OF TODAY

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

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:

REGISTERED/WAIVER

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/ WAIVER

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

## COMING SOON

Marketing Allowed  
Displayed in MLS  
Commission Offered  
No DOM  
Limited Distribution  
through MLS  
No Showings  
21 Days Only

### Who can see **Registered** listings?

Listing Agent, Listing Broker, Office Managers and MLS Staff

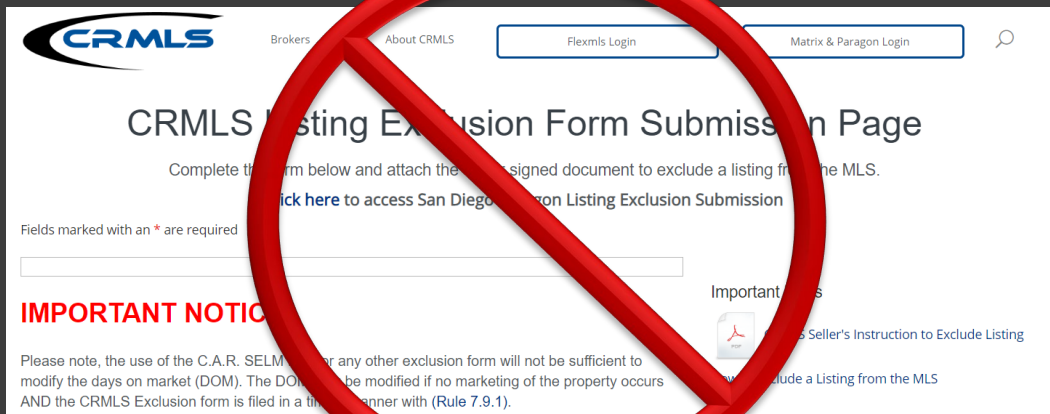
### Who can see **Coming Soon** listings?

## ACTIVE

Marketing Allowed  
Displayed in MLS  
Commission Offered  
DOM Counts  
Full Distribution  
through MLS  
Showings Allowed

# REGISTERED REPLACES CRMLS EXCLUSION PROCESS ON/BEFORE JUNE 1\*

If CAR confirms planned changes to the CAR SELM form, the separate CRMLS Exclusion form may be retired.



## 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



# ADDITIONAL LISTING MEASURES

- **Days Not Active (DNA)**: The days in any status other than Active, Active Under Contract or Pending.
- **Days on Market (DOM)**: The days Active or Active Under Contract without that deal closing.
- **Days in Pending (DIP)**: The days in Pending or Active Under Contract not in DOM.
- **Days Listed (DL)**: List Contract Date until List Finalization. No days removed for any status or condition.

$$DL = DNA + DOM + DIP$$

## 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

# 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 to be 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 summer of 2020.

Until then, the current waiver process will remain in place.

# QUESTIONS or FEEDBACK?

Email [ClearCooperation@crmls.org](mailto:ClearCooperation@crmls.org)

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

