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### **Clear Cooperation policy**

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. (Adopted 11/19)

**Note: Exclusive listing information for required property types must be filed and distributed to other MLS Participants for cooperation under the Clear Cooperation Policy. This applies to listings filed under Section 1 and listings exempt from distribution under Section 1.3 of the NAR model MLS rules if it is being publicly marketed, and any other situation where the listing broker is publicly marketing an exclusive listing that is required to be filed with the service and is not currently available to other MLS Participants.**

#### **Section 1.3 Exempt Listings**

*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. \*M.L.S. of Naples, Inc. does not require exempt listings be filed with the MLS but the listing agreement and supporting written documentation of the Seller choosing to “opt-out” of the MLS is required to be delivered to the MLS staff upon request.*

**Note 1: Section 1.3 is not required if the service does not require all (indicate type[s] of listing[s] accepted by the service) listings to be submitted by a participant to the service.**

**Note 2: MLS Participants must distribute exempt listings within (1) one business day once the listing is publicly marketed. See Section 1.01, Clear Cooperation.**

**Violation Schedule:** First violation: within one business day of receiving proof of a listing not being in MLS, MLS of Naples Staff is to send a warning/notification, to the offending party, informing them that they have one (1) business day to enter the listing into the MLS system and they are required to watch a MLS education video and pass an assessment on the video. The offending party has three (3) business days to comply with the education and assessment requirement. A Second violation requires that the listing be entered into the MLS system within one (1) business day and a \$500 fine. A Third violation requires that the listing be entered into the MLS system within one (1) business day and a \$1,000 fine. The fourth violation requires that the listing be entered into the MLS system within one (1) business day and a \$1,500 fine. The fifth violation requires that the listing be entered into the MLS system within one (1) business day and will be referred to the MLS committee who can set a fine of up to \$15,000 and a 6-month suspension of MLS Services.

## **Violation Timeline**

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### **PROCEDURES FOR VIOLATIONS OF MLS RULES GOVERNING CLEAR COOPERATION:**

Following one (1) business day of the MLS Department receiving proof of a listing being marketed publicly and not filed with the service, MLS Participants will be considered in violation of Article 1, Section 1.B and will be subject to the violation schedule outlined below:

- (a) **First Violation:** The MLS Department will send a violation notification to the Listing Agent and Listing Broker, stating that they have one (1) business day to enter the listing into the service and mandating that the *offending party* watch an MLS education video and pass a corresponding assessment within three (3) business days.
  - (i) If the *offending party* does not comply with (a), a second violation will be levied.
- (b) **Second Violation:** The MLS Department will send a violation notification to the Listing Agent and Listing Broker, stating that the *offending party* must enter the listing into the service within (1) business day and that a \$500 fine has been levied.
  - (i) If the *offending party* does not comply with (b), a third violation will be levied.
- (c) **Third Violation:** The MLS Department will send a violation notification to the Listing Agent and Listing Broker, stating that the *offending party* must enter the listing into the service within (1) business day and that a \$1000 fine has been levied.
  - (i) If the *offending party* does not comply with (c), a fourth violation will be levied.
- (d) **Fourth Violation:** The MLS Department will send a violation notification to the Listing Agent and Listing Broker, stating that the *offending party* must enter the listing into the service within (1) business day and that a \$1500 fine has been levied.
  - (i) If the *offending party* does not comply with (d), a fifth violation will be levied.
- (e) **Fifth Violation:** The MLS Department will send a violation notification to the Listing Agent and Listing Broker, stating that the *offending party* must enter the listing into the service within (1) business day. The violation will be referred to the MLS Committee and the following penalties may be applied:
  - (1) Fine up to \$15,000 and the *offending party*'s access to the MLS Database and use of the lockbox service, if the *offending party* is a Keyholder, will be suspended for a period of up to 6-months.

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## **MLS 8.0: Clear Cooperation Policy – What you need to know**

The National Association of REALTORS® Multiple Listing Issues and Policies Committee recommended MLS Statement 8.0 be adopted and the NAR Board of Directors passed a motion to adopt 8.0 as a new MLS Policy on November 11, 2019 at the REALTORS® Conference & Expo in San Francisco. The new MLS Policy is part of the 2020 MLS Rules and Regulations but NABOR will not begin to enforce the policy until the NAR mandated deadline of May 1, 2020. 8.0, the Clear Cooperation Policy, requires that Brokers who are participants in the multiple listing service submit their listings to the MLS within one business day of marketing the property to the public. The full text of the Clear Cooperation Policy is

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Since the passage of this new policy, there have been a lot of questions and misunderstanding in regards to the new policy and what it means for brokers, agents and their customers. We have been working with the National and State associations to clarify some of the common questions and concerns and hope the FAQs below will help to clarify the new policy. MLS staff is currently working closely with our participating brokers to bring additional education and resources on the Clear Cooperation policy to our members ahead of May 1<sup>st</sup>.

If you have any questions or concerns regarding the new Clear Cooperation Policy, please email [eben@nabor.com](mailto:eben@nabor.com).

### **FAQs:**

#### **When Will NABOR/M.L.S. of Naples, Inc. begin enforcing 8.0?**

May 1, 2020 is when the new Clear Cooperation Policy will be enforced by NABOR.

#### **How does 8.0 impact office exclusive listings?**

Office exclusive listings are still allowed, however, there are new limitations on advertising these exclusive listings. Office Exclusives can only be shared with other agents in your office. It cannot be shared electronically with agents that are not in your office or members of the public. You can still share office exclusives with your customers but not through mass communication.

#### **If my seller doesn't want their listing in the MLS, what are the new guidelines for advertising?**

There is no “opt out” clause in the new policy. If your seller chooses not to have their home listed in the MLS, they can still do that but it then becomes an office exclusive and limits the advertising of that property. With office exclusives, advertising outside of your office is prohibited, that includes, yard signs, social media platforms, placement on any external sites that are accessible by the public, mass electronic communication, etc.

## **FAQs Cont.**

### **What happens if the listing is advertised to the public before being entered into the MLS?**

If the listing is found to have been advertised to the public or agents outside of your office, you have one business day to enter the listing into the MLS before any violations or penalties will begin.

### **What property classes are applicable under 8.0?**

The Clear Cooperation policy only applies to the “Residential” property class. Residential Rental, Residential Income(Multi-Family), Commercial, Lot and Land, and Boat Dock are exempt from the new policy.

### **Are there any exclusions to the new Policy within the Residential Property Class?**

Yes, New Construction Developments with multiple properties and property types (Single Family, Condo, Villa, etc.) are excluded from the new policy.