



In November 2019 the NAR Board of Directors adopted the Clear Cooperation Policy 8.0 in response to concerns about the use of tactics to keep properties off the MLS to the disadvantage buyers and sellers.

The 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)

In recent years there has been a significant growth in the misuse of limited marketing tactics that benefit the listing firm more than the client. These types of issues have restricted the number of choices for buyers, raised questions about fair and equal opportunity leading to Fair Housing concerns, skewed MLS data, and have resulted in breach of fiduciary duties lawsuits.

The Clear Cooperation Policy is intended to reduce nefarious off market activity and ensure that buyer and sellers benefit from having access to the most comprehensive property information through the MLS. It also establishes a uniform rule for all publicly marketed properties ensuring the greatest marketing exposure for consumers and consistent business practices which minimizes confusion.

To support the local application of the Clear Cooperation Policy, MLSSAZ has produced an implementation plan that was developed in concert with input from a diverse assortment of workgroups, taskforce, and regional broker forums including the Santa Cruz County Board of Realtors®, Green Valley/Sahuarita Association of REALTORS®, and the Tucson Association of Realtors®. To support the premarketing efforts of the listing broker, MLSSAZ will introduce the availability of a Coming Soon listing status for MLS Subscribers. To read about the local implementation of the Clear Cooperation Policy [click here](#).

For more information about the National Association of Realtors Clear Cooperation Policy visit <https://bit.ly/3e86OXA>

Important FAQs to consider regarding the Clear Cooperation Policy.

Does the Clear Cooperation Policy require a broker to turn in every listing to the MLS within 1 business day of signing the listing?

No, if a listing is taken and is *not* yet ready to be publicly marketed the required submission time of within two business days after all necessary signatures on the listing Agreement has been received by the listing broker. If a listing is marketed to the public, however, the Clear Cooperation Policy 1 business day turn-in timeline goes into effect.

What is the meaning of “business day?”

Business days exclude Saturdays, Sundays and holidays. The NAR MLS Advisory Board specifically revised the policy’s timeframe due to concerns with enforcement to provide greater flexibility for days when submitting the listing to the service could be a challenge. For consistency among all REALTOR® Association MLSs, the approved timeframe is 1 business day.; “holidays” include all recognized federal and state holidays.

What property types are applicable under the Clear Cooperation Policy?

MLSs can continue operating under existing local policy, which may provide for voluntary submission of different property types, like commercial, rentals, and new construction. Also referred to as non-mandatory property types. The obligations of the Clear Cooperation were specifically adopted to address concerns with residential properties. In alignment with and for the purposes of the Clear Cooperation Policy the MLSSAZ mandatory property type will apply to: Single Family Residence, Townhouse/Condominium, Manufactured or Mobile Homes.

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 the Clear Cooperation 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.

Common examples include divorce situations and celebrity clients. It allows the listing broker to market a property among the brokers and licensees affiliated with the listing brokerage. If office exclusive listings are displayed or advertised to the general public, however, those listings must also be submitted to the MLS for cooperation.

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.

For more Clear Cooperation Policy FAQs visit <https://bit.ly/3e86OXA>

How MLSSAZ will implement the Clear Cooperation Policy

Implementation contains the following:

- *Form changes:* Revised Exempt/Delayed Listing Input Form to incorporate the Coming Soon option. See Coming Soon/Exempt/Delay Authorization Form. Residential Listing Agreement revised to include a public marketing seller acknowledgement.
- *New statuses:* Coming Soon listing status.
- *Rule changes:* Listing Procedures will be updated (Section 1), including the addition of definition for New Construction.

As part of the implementation plan, MLSSAZ will continue to educate the membership about the policy. Local enforcement of the Clear Cooperation Policy will begin May 1, 2020 with an educational focused period for compliance enforcement.

Form Changes

Coming Soon/Exempt/Delay Authorization Form

MLSSAZ will introduce the option of a Coming Soon listing status. The Coming Soon/Exempt/Delayed Authorization Form will serve to assist in educating the seller between the marketing choices of Coming Soon, Delayed, and Exempt listings. This form will replace the Exempt/Delated Input listing Form.

Standard Listing Agreement

The Video/Still Images section of the MLSSAZ Standard Listing Agreement has been revised to include a seller acknowledgement recognizing the public marketing listing submission requirements.

New Status

In addition to the existing Exempt and Delayed listing options, MLSSAZ has introduced the new status of Coming Soon. For listings subject to the requirements of the Clear Cooperation Policy the status of Coming Soon supports premarketing for properties that are not ready to be listed as Active in the MLS.

Coming Soon is an efficient way for MLSSAZ members to comply with the Clear Cooperation policy. It provides a place within the MLS to inform and promote awareness of the listing — during which time the listing brokerage and seller can work together to formulate marketing strategies, have work completed on the home, and allow for professional photography to be completed, etc.

Coming Soon Status

Definition: A Coming Soon listing is taken by a participant with a valid listing agreement authorized by the seller to withhold the listing from public display within the MLS. Coming Soon listings are disseminated to other MLS Participants.

Time Limit in Status: Properties can be listed as Coming Soon for up to 21 days. Seller may authorize early entry in the MLS prior to the specified go live date.

Days on Market Accrual: Days on Market (DOM) start when the listing transitions to Active status.

Showings: Permitted at the discretion of broker and client.

Distribution of Listing: Search functionality available for MLS Participants. Will not be distributed through IDX or syndication feed from the MLS.

Required Fields: All listings in the MLS regardless of status will require full listing input, with special attention paid to the Showing Instructions.

MLS of Southern Arizona Coming Soon/Exempt/Delayed Listing Key

	Coming Soon Status	Delayed Input Listing	Exempt Listing
Description	A listing authorized to be withheld from public dissemination within the MLS	Listing to go live at a later specified date beyond the deadline required for an MLS filing.	Seller has authorized the listing broker to withhold the property listing from the MLS
Listing Submission Time	Within one business day of public marketing OR (without public marketing) Within two business days of signed Listing Agreement.	Listing to go active on the specified delay date authorized by the seller.	Listing will not be entered into MLS at anytime.
Document submission time	Within one business day of public marketing OR Within two business days of signed Listing Agreement. File to Info@MLSSAZ.com	Within two business days of signed Listing Agreement. File to Info@MLSSAZ.com	Within two business days of signed Listing Agreement. File to Info@MLSSAZ.com
Public Marketing	Coming Soon Status supports premarket efforts.	No earlier then one business day prior to listing go active date OR Seller authorizes cancellation of the listing delay allowing for early activation	Public marketing not available. If advertised to the public the listing must be submitted to the MLS for cooperation.
Showings	Showings are allowed at the direction of the Seller. Refer to the listing Showing Instructions.	Generally Delayed Listings are not preview ready. Policy 8.0 applies to any listing this is or will be ready for cooperation. Advertising activities may trigger the requirements of the Clear Cooperation Policy.	Not scheduled through the MLS.

Sample Coming Soon/Exempt/Delayed Authorization Form



Coming Soon/Exempt/Delayed Authorization



MLS Rules and Regulations Section 1 requires the entry of listings in the MLS within 2 business days unless the seller authorizes an exempt/delayed entry with the submission of this form to the MLS within 2 business days. Coming Soon entry must be authorized by the seller.

* Listing Date in the MLS shall be the date the listing is authorized for entry in the MLS.

ADDRESS INFORMATION	
Tax Code _____ - _____ - _____ County _____	
Address _____ City _____ State _____ Zip Code _____	
Seller(s) Name: _____ / _____	
Listing Office Name: _____ Listing Office ID: _____	
Listing Agent Name: _____ Listing Agent ID: _____	
COMING SOON/EXEMPT/DELAYED SECTION	
SELECT ONE OPTION	
<input type="checkbox"/> Seller(s) elect to place the listing in the Coming Soon status _____ / _____	The Coming Soon status indicates that the listing broker and the seller(s) are preparing the property for sale before marketing in Active status. There must be a valid listing agreement between the seller and the listing brokerage. Listings in Coming Soon status must have seller(s) authorization which is obtained using this form. Listings may stay in the Coming Soon status for up to 21 calendar days. Listing will automatically be made Active and available to the public on the date specified: _____ / _____ / _____. <ul style="list-style-type: none"> The listing will not be available to potential buyers through the MLS system, its automatic alerts to buyers, and exposure on broker/agent websites. Listing broker may not promote or market the listing publicly in any manner unless in the status of Coming Soon. If the property is not ready for Active status on the date specified, Listing Broker must put the listing in the Temporary Off Market status until the listing is ready to be placed in the Active status.
— OR —	
<input type="checkbox"/> Seller(s) elect to Delay the listing from the MLS until the date specified _____ / _____	Listing input into the MLS will be delayed until the date specified: _____ / _____ / _____. Seller acknowledges that Listing Broker or the seller are not permitted to market the listing to the public. Seller(s) fully understand the effects of not submitting the input of the above-listed property to the Service, which include, but are not limited to: <ul style="list-style-type: none"> The listing will not be available to the approximately 6200 Subscribers of the MLS across Southern Arizona and their potential buyers through the MLS system, its automatic alerts to buyers, and exposure on broker/agent websites. The possibility of extended time on the market and potentially fewer offers to purchase as a result of its limited exposure. Listing Broker or the Seller are not permitted to promote or market the listing to the public. If Listing Broker or Seller promote or market the listing to the public, submission to the MLS will be required within one(1) business day.
— OR —	
<input type="checkbox"/> Seller(s) elect to Exempt the listing from the MLS _____ / _____	Seller(s) acknowledge that the listing will not be entered into the MLS at any time. Seller(s) acknowledges that Seller (s) fully understand the effects of not submitting the input of the above-listed property to the Service, which include, but are not limited to: <ul style="list-style-type: none"> The listing will not be available to the approximately 6200 Subscribers of the MLS across Southern Arizona and their potential buyers through the MLS system, its automatic alerts to buyers, and exposure on broker/agent websites. The possibility of extended time on the market and potentially fewer offers to purchase as a result of its limited exposure. MLS of Southern Arizona Rules and Regulations regarding the security, sign in, and use of a MLSSAZ lockbox, if placed on the property, do not apply. Listing Broker nor the Seller are permitted to promote or market the listing to the public. If Listing Broker or Seller promote or market the listing to the public, submission to the MLS will be required within one(1) business day.
*Seller may authorize an early entry in the MLS by executing the Delayed Input/Coming Soon Date Modification & Input Approval section of this form. ** Seller may extend the Delayed Listing period with the execution of a new Exempt/Delayed/Coming Soon form. Coming Soon listings may not be extended.	

SELLER ACKNOWLEDGEMENTS

The undersigned seller(s) fully understand the selected option and understand the marketing and promotion restrictions associated with the selected option. Seller acknowledges that marketing or showing the listing in an inconsistent manner than selected option will require full submission to the MLS in an Active status within one (1) business day by the listing broker. Listing Broker or Listing Agent may incur fines for marketing or showings that are inconsistent with the option selected.

Notwithstanding the foregoing, the undersigned does hereby exempt, approve the delayed submission, or authorize the Coming Soon status of the listing to the MLS and acknowledges that the MLS limit the publication and/or distribution information with respect to this property to the MLS Participants and Subscribers and the general public.

SIGNATURES

Print Seller Name _____

Print Seller Name _____

Seller Signature _____ (MO/DA/YR)

Seller Signature _____ (MO/DA/YR)

Listing Broker Name _____

Listing Agent Name _____

AUTHORIZED SIGNATURE _____ (MO/DA/YR)

PRINT NAME _____

DELAYED INPUT/COMING SOON DATE MODIFICATION & INPUT APPROVAL

The above signed Seller(s) wish to cancel the Delayed/Coming Soon status of the property specified above and authorizes the listing for immediate input into the MLS.

Seller Signature _____ (MO/DA/YR)

Seller Signature _____ (MO/DA/YR)

File No. _____ Designated Broker or Designee Initials: _____ Date: _____

This form must be transmitted to MLS of Southern Arizona at info@mlssaz.com or by fax at (520) 322-6613

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