WHAT WE WILL COVER

1. What are the Clear Cooperation Rules
2. Understanding & Changes to MLS Rules
3. Defining Public Marketing
4. Exclude from MLS – Updates to MLS Rules
5. The New Coming Soon Status
6. How to Add a Coming Soon Listing to CRISNet
7. Hold Status – Updates to MLS Rules
8. Active Under Contract – Updates to MLS Rules
9. How to Report a Violation

Questions?

• We will have breaks for Questions
• Type Your Questions in the Chat
  The moderator will be reviewing them as we go
• We are not using the Raise Hand as this is in a Webinar Format use the Chat to ask your questions
It is important to understand:
- These rules are for CRISNet Members
- CRMLS, CLAW (THE MLS), Conejo (FLEX) and other MLSs have different rules in place

Not all listings show in CRISNet:
- Listings from different MLSs may not show within the CRISNet System

How do you know the difference?
- CRISNet listings will show with an SR ([1234567] in front of the Listing Number
- Listings without the SR (in front) may have different rules for marketing and showings etc.
- 200018824
- PW20079841
- IV20079835

THESE RULES ARE FOR CRISNET MLS MEMBERS

What is Clear Cooperation?
Sometimes called NAR Policy 8.0

CLEAR COOPERATION
For years, REALTORS® have debated the risks and merits of so-called pocket listings, "coming soon" listings, and listings that are marketed on private networks rather than being shared cooperatively through a local multiple listing service. Advocates say that sellers’ desire for privacy and advances in technology have led to the expansion of these off-market listings. Others believe that keeping listings off the MLS reduces buyers’ choice, skews market data, and may not be in the sellers’ best interests.

NAR & CAR Policy & Changes:
NAR and CAR updated their Rules, including Rule 8.0 – Clear Cooperation Policy. Each MLS was required to update their rules with the new CAR/NAR MLS Rules revisions by May 1, 2020.
CRISNET MLS CLEAR COOPERATION

Clear Cooperation Policy & Changed CRISNET Mandatory Submission Rule 7.8 and 7.9

Mandatory Submission (Rule 7.8) - 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. (MLS Rule 7.8)

Violation of Rule 7.8 – Mandatory Submission - Clear Cooperation
The fine for violation of the Clear Cooperation Policy is 1% of the listing price, not to exceed NAR Maximum (Currently $15,000).

IMPORTANT MLS RULES TO KNOW

CURRENT AND UPDATED MLS RULES

IMPORTANT MLS RULES TO KNOW

MLS Rule 9.3 Availability to Show or Inspect Property – States the following:
Access/showing of listings within the MLS must be equally available to ALL participants and subscribers of the MLS and their clients and customers. Listing brokers shall not misrepresent the availability of access to show or inspect a listed property. It will be a violation of this section in the event showing or tours occur on a property, including by the listing broker/agents, for which the listing broker has selected a MLS Rules Section 10 status that there will be no showings.

This is an ALL or Nothing Situation
* If the property is available to show, it's available for EVERYONE to show
* If the property is not available to show, it is NOT available for ANYONE to show
MLS RULE 9.3 – AVAILABILITY TO SHOW

Statuses that Allow Showings to be Available:
• Coming Soon, *for CRISNet Listings
• Active
• Active Under Contract

Statuses in Section 10 that Prohibit Showings:
• HOLD
• Exclude from MLS: Showings by Brokers or Agents Outside of the Listing Broker’s Company Office(s) are not allowed

LISTING START DATE

The date that all necessary signatures of the seller(s) have been obtained on the listing or at the beginning date of the listing contract, whichever is later.

MANDATORY SUBMISSION OF LISTINGS

When Public Marketing Has Taken Place

The property MUST be entered into the MLS
Within 1 Business Days of Publicly Marketing the Property
MANDATORY SUBMISSION OF LISTINGS

When NO Public Marketing Has Taken Place

The property MUST be entered into the MLS

Within 2 Business Days of the Listing Start Date

A new listing can be submitted to CRISNet MLS as:

- Exclude from MLS (Office Exclusive)
- Coming Soon
- Active

MANDATORY SUBMISSION OF LISTINGS

Unless otherwise expressly indicated, where compliance time frames set forth “days,” “days” mean calendar days; “days after” means the specified number of calendar days after the occurrence of the event specified, not counting the calendar date on which the specified event occurs, and ending at 11:59 p.m. on the final day; and “days prior” means the specified number of calendar days before the occurrence of the event specified, not counting the calendar date on which the specified event is scheduled to occur. Where “business days” are expressly referenced, “days” exclude Saturdays, Sundays and all recognized federal and state holidays.

MLS Rule 7.7.1 - DEFINITION OF BUSINESS DAY
The Public as defined by CRISNet MLS Rules:
The Public would include anyone outside the broker(s) and agent(s) licensed within a single listing brokerage and their clients, as further described in Section 7.9

DEFINING PUBLIC MARKETING
"Public Marketing" as defined by CRISNet MLS Rules:
Public marketing or advertising includes, but is not limited to, conveying or displaying any information about the property or its availability for sale through or on any:
- Signs - Window or Yard
- Public facing websites
- Posting information or marketing on Social media sites
- Showing the property on Brokerage or franchise operated websites (including IDX and VOW)
- Digital communications marketing (ex: email, text or phone blasts, social media messaging),
- Promoting the property to Networks where there are members outside your Brokerage/Office
- Distributing Flyers, Post Cards, or written material
- Displaying or sharing on any applications (APP) available to the public
- Conducting an open house

BOTTOM LINE – PUBLIC MARKETING IS:
- Contacting Anyone outside the Listing Office
- Advertising in Any Way
- Marketing in Any Manner
- Including, but not limited to, marketing done by Electronic, Paper, In Person, Over the Phone, Online, Social Media, Real Estate Portals.
EXCLUDE FROM MLS
Registered – June/July

OFFICE EXCLUSIVE LISTING

EXCLUDE FROM MLS
OFFICE EXCLUSIVE

Mandatory Reporting: Within 2 Business Days of the Listing Start Date You Must Register the Listing with the MLS by:
1) Have the exclude from MLS form signed by seller and broker/manager
2) You must submit a copy of the First and Last Page of the Listing Agreement and the written instruction to Exclude from the MLS (Exclusion Form)

The above documents can be sent to the CRISNet MLS Department via email to mls@sar.com

CAR EXCLUDE FROM MLS Form
Office Exclusive

CRISNET Exclusion Form Update
CRISNet Authorization to Exclude was updated on 4/28/20

Changes include:
Seller Instruction to NOT MARKET/ADVERTISE The Property Outside the Listing Brokerage

Available on the SAR Website
**CAR EXCLUDE FROM MLS Form**

**Office Exclusive**

**Current CAR Form:**
- When using the current CAR-SELN form, Item 9 must be checked.

**New CAR Form – June 22**
- The SELN will be revised approximately June 22nd.

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**EXCLUDE FROM MLS STATUS**

**Office Exclusive**

**Using The SRAR Exclude From MLS Form**
- Must Use NEW Exclude From – Dated 4/28/2020

**Using the CAR Exclude from MLS Form**
- Must have Item 9 checked until updated form June 22nd

**Using the Wrong Form or Not Checking Item 9 on CAR Form**
- The MLS Department will return the form to the Agent to get a new form signed by Client and Broker/Manager and resubmitted to the MLS Department.

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**EXCLUDE FROM MLS STATUS**

**Office Exclusive**

**Public Marketing – Public Marketing is NOT Allowed:**
- No Signs - Window or Yard
- No Public facing websites
- No Posting information or marketing on Social media sites
- No Showing the property on Brokerage or franchise operated websites (including IDX and VOW)
- No Digital communications marketing (ex: email, text or phone blasts, social media messaging).
- No Promoting the property to Networks where there are members outside your Brokerage/Office
- No Distributing Flyers, Post Cards, or written material
- No Displaying or sharing on any applications (APP) available to the public
- No Open Houses
EXCLUDE FROM MLS STATUS
Office Exclusive
Marketing While Excluded from the MLS

• Property may be marketed to Agents within the Listing Broker’s Company office(s) Only.

• The Listing Broker’s Company Office(s) Includes Branches with the same Broker of Record under the same Broker License Number

EXCLUDE FROM MLS STATUS
Office Exclusive
Marketing While Excluded from the MLS

• Agents of the Listing Broker’s Company Office(s) may communicate, show, and sell that listing to their “Clients” as defined in the MLS Rules

EXCLUDE FROM MLS STATUS
Office Exclusive
WHAT IS A “CLIENT” AS DEFINED BY CRISNET MLS?
Anyone that within the last twelve (12) months prior to execution of an applicable listing;
1) has signed an agency disclosure form with Broker/Agent
2) has signed a Broker Agency agreement with the Broker/Agent
3) has signed a listing agreement with the Broker/Agent
4) has signed an offer to purchase and/or purchase agreement represented by Broker/Agent
5) has signed an offer to lease and/or lease agreement represented by Broker/Agent
6) has had more than a casual relationship with the Broker/Agent that can be demonstrated by written documentation showing the Broker/Agent has engaged in substantial real estate activity for such party

An involuntary drip system, bulk mailings, cold calls, emails, and other such type activities alone do not constitute “substantial activity.”
EXCLUDE FROM MLS STATUS
Office Exclusive

Property Is Not Visible in the MLS
• The property will not be visible in the MLS, and does not show to other members.

Showing the Property while Excluded from MLS
• Showings to "Clients", as defined in the MLS Rules, of the Listing Broker's and its Agents is Allowed.
• Showings by agents outside of the Listing Brokerage Firm is NOT ALLOWED while it's excluded from the MLS.
• A Lockbox can be placed on the Property for use by Listing Brokerage Agents
• A CBS (Call Before Showing) Code should be used while listing is excluded from the MLS.

Open House / Broker or Network Tour/Caravan while Excluded
• Conducting an Open House IS NOT Allowed
• Conducting a Tour/Caravan with a Networking Group is NOT Allowed
• Conducting an Office Tour/Caravan IS Allowed
  • No Open House or Directional Signs used (this is Public Marketing)

3rd Party Websites – Public Facing Websites
• The MLS will NOT send the property information to Internet Sites, including Brokerage or franchise operated websites, Broker Opt-In Portals and 3rd Party Websites
• Agent Cannot publish the property on any Internet Site, Social Media, or public display
EXCLUDE FROM MLS STATUS
Office Exclusive

**Days on Market**
- Days on Market does NOT calculate

**Time Limit or Restriction**
- There is no time limit on how long a property can be Excluded from MLS

**Selling Property while Excluded from MLS**
- The property can be Sold to "Client" of the Listing Broker and its Agents

Marketing Outside Listing Broker when Excluded from MLS:
- Marketing or Showing an Office Exclusive Listing OUTSIDE of the Listing Broker’s Office(s) is prohibited
- Any Marketing or Showing Outside the Listing Broker’s Office(s) would require that the property be entered into the MLS within 1 Business Day of the Marketing or Showing.
- The property must be entered into the MLS within 1 Business Day of the Marketing or Showing as either:
  * Coming Soon
  * Active
- Not entering the property into MLS within 1 Business Day would be a Violation of Mandatory Submission (Rule 7.8) under Clear Cooperation Policy and subject to fines and discipline.
  * 1% of the Listing Price up to the NAR Maximum

New “Registered” System for Excluded Listings
Office Exclusive

An Online Tool called Registered is being developed and should be available in June or July 2020. This will allow agents to view and track their Office Exclusive Listings.

**The Process will be:**
1) Enter the Exclude from MLS Listing into the Registered System
   A. Limited Information needed
      - Address - Listing Date - Expiration Date - List Price – Marketing Start Date
2) Send the First and Last Page of the Listing Agreement with the Exclude From the MLS Department
   A. Within 2 Business Days of the Listing Start Date
3) Your Excluded Listings will show in your MLS listings to you and your Broker Only

Training and Info will be done when Registered is live in the MLS.
Coming Soon (CS): A valid listing contract exists, no offer (with or without contingencies has been accepted) and the property is available for showings consistent with MLS Rule 9.3. This is an On-Market status.
Mandatory Reporting – The listing must be entered into the MLS:

- Within 2 Business Days of the Listing Start Date, if no public marketing has taken place
- Within 1 Business Day of the Listing Start Date, if public Marketing has already occurred
- Must have a Minimum of 1 Exterior Photo of the Property

Property is Visible in the MLS

- The property is visible to Agents in the MLS and can be shared with their Clients

Time Limit for Coming Soon

- Can be listed in Coming Soon for up to 21 Days
- Will automatically change to Active on the Start Showing Date entered into MLS
- Property cannot be placed back into Coming Soon after being placed in another status

Public Marketing - Public Marketing is allowed while in Coming Soon Status:

- Signs - Window or Yard
- Posting information or marketing on Social media sites
- Showing the property on Brokerage or franchise operated websites
- Digital communications marketing (ex: email, text or phone blasts, social media messaging)
- Promoting the property to Networks where there are members outside your Brokerage/Office
- Distributing Flies, Post Cards, or written material
- Displaying or sharing on any applications (APPs) available to the public
- Open Houses are allowed
Coming Soon – CRISNet Members

Marketing On Websites While in Coming Soon

The listing is Not Sent to websites by the MLS

Agent & Broker Websites

- While in Coming Soon the property can be manually entered on a Agent’s or Brokerage Website

Any Other Website

- While in Coming Soon the property CANNOT be entered or show on any website other than the Broker’s or Agents personal websites

If the property is shown on a website other than the Agent’s or Brokerage Website

- The property will need to be changed to another status in the MLS
- The Agent/Broker would be subject to a violation and fine

Showing the Property while in Coming Soon – CRISNet Listings

- Property is Available for Showings by Listing or Cooperating Brokers/Agents, per MLS Rule 9.3, while in Coming Soon Status
- This is an ALL or Nothing Situation
  * If the property is available to show, it’s available for EVERYONE to show
  * If the property is not available to show, it’s NOT available for Anyone to show
- Can be placed in Coming Soon with “Showing Instruction of No Showings until ____” as long as No Showings are done by the Listing Broker/Agent(s) also.
- Lockbox may be placed on the property

COMING SOON – CRISNET MLS

Open House / Broker or Network Tour/Caravan

- Conducting an Open House IS Allowed while in Coming Soon
- Broker Tour/Caravan IS Allowed During Coming Soon
- Conducting a Tour/Caravan with a Networking Group IS Allowed
COMING SOON – CRISNET MLS

Days on Market
- Days on Market do **NOT** calculate while in Coming Soon

Selling Property while in Coming Soon
- The property can be sold while in Coming Soon Status by the Listing Broker/Agents or Cooperating Broker/Agent’s Clients

SHOWING PROPERTIES IN COMING SOON
- CRISNet MLS Listings may be shown while in Coming Soon Subject to Rule 9.3
- Listings entered into other MLS’s may not allow showings while in Coming Soon

Can I GO From - YES?
- Exclude from MLS to Coming Soon – **YES**
- Coming Soon to Active – **YES**
- Coming Soon to Hold – **YES**
- Coming Soon to Pending – **YES**
- Coming Soon to Active Under Contract – **YES**
Can I Go From - NO?

- Active to Coming Soon – NO
- Hold to Coming Soon – NO
- Active Under Contract to Coming Soon – NO

The property cannot be changed back to Coming Soon from any status other than Exclude from MLS/Office Exclusive (It’s not entered into the MLS yet)

A New Option for Coming Soon in ADD/EDIT

Choose Coming Soon under Status prior to Submitting the Listing

Start Showing Date – The Day it Goes Active

The Start Showing Date is the Date the Property switches to ACTIVE in the MLS
Searching for Coming Soon in Matrix

CRISNet listings (SR in the MLS) – Showings may be available.
Non-CRISNet listings – Showings are not allowed by most MLS’s in Coming Soon.

Coming Soon Authorization Form

A New Coming Soon Authorization is being prepared by CRISNet and SRAR for brokers and agents to use with their sellers.

Will be available soon.

Questions About

Exclude from MLS & Coming Soon
Exclude from Internet

Choosing to Exclude from Internet

- Seller Can Sign a Exclude From Internet Form (CAR form SELI)
- Choose NO under Entire Listing Display in the Office/MLS Tab in ADD/EDIT

HOLD STATUS
Definition of HOLD Status:
A valid listing contract is in effect; however, because of various reasons such as repairs, illness, guests, etc., the seller has requested there temporarily be no showings. The property is not available for showings consistent with MLS Rule 9.3.

Mandatory Reporting
• Listing Must be entered into HOLD Status within 2 Business Days of the Seller’s Authorization to Place Property on Hold.

Property is Visible in the MLS
• The property is visible to Agents in the MLS and can be shared with their Clients

Showing the Property while in HOLD Status
• Showings are NOT Allowed while in Hold Status
  * By the Listing Broker/Agents
  * By Cooperating Brokers/Agents
Public Marketing - Public Marketing IS Allowed While in HOLD Status:

- Signs - Window or yard
- Public facing websites
- Posting information or marketing on Social media sites
- Showing the property on Brokerage or franchise operated websites (including IDX and VOW)
- Digital communications marketing (ex: email, text or phone blasts, social media messaging)
- Promoting the property to Networks where there are members outside your Brokerage/Office
- Distributing Flyers, Post Cards, or written material
- Displaying or sharing on any applications (APP) available to the public

Open House / Broker or Network Tour/Caravan

- Conducting an Open House is NOT Allowed while in Hold Status
- Broker Tour/Caravan is NOT Allowed During Hold Status
- Conducting a Tour/Caravan with a Networking Group IS NOT Allowed

Days on Market

- Days on Market do NOT calculate while in HOLD

Time Limit or Restriction

- Can be placed in Hold for 30 days at a time, and can be extended
- There is no limit on the total time a property can be in Hold
HOLD STATUS

Selling Property while in Hold

- The property cannot be shown while in Hold Status
- The property can be sold while in HOLD Status

Questions About

Hold

ACTIVE UNDER CONTRACT
Active Under Contract is:

1) An offer has been accepted
2) The Seller requests that property remain in an On-Market status and
   a) is willing to show the property, per MLS Rule 9.3
   b) is actively looking for and accepting back-up offers
3) or the sale is subject to court or other third-party approval.

- If the Seller is not requesting Back-Up Offers, and the Property is not available for Showings per MLS Rule 9.3, then the property should be in Pending Status.
- You Cannot Leave the Property in Active Under Contract as a way to continue to market the property if the Seller is not actively looking for Back-Up Offers

Mandatory Reporting

- Must be entered into Active Under Contract within 2 Business Days of the Contract Acceptance Date

Property is visible in the MLS

- The property is visible to Agents in the MLS and can be shared with their Clients

Showing the Property while in Active Under Contract Status

- Showings are Allowed, per Rule 9.3, while in Active Under Contract Status by the Listing Broker/Agents or Cooperating Broker/Agents

Public Marketing - Public Marketing IS Allowed While in Active Under Contract Status:

- Signs - Window or Yard
- Public facing websites
- Posting information or marketing on Social media sites
- Showing the property on Brokerage or franchise operated websites (including IDX and VOW)
- Digital communications marketing (ex: email, text or phone blasts, social media messaging)
- Promoting the property to Networks where there are members outside your Brokerage/Office
- Distributing Flyers, Post Cards, or written material
- Displaying or sharing on any applications (API) available to the public
- Conducting an open house
OPEN HOUSE / BROKER OR NETWORK TOUR/ CARAVAN

- Conducting an Open House is allowed while in Active Under Contract
- Broker Tour/Caravan is allowed during Active Under Contract
- Conducting a Tour/Caravan with a Networking Group is allowed

3RD PARTY WEBSITES – PUBLIC FACING WEBSITES

- The MLS will send the property information to Internet Sites, including Brokerage or franchise operated websites, Broker Opt-In Portals and 3rd Party Websites

DAYS ON MARKET

- Days on Market do calculate while in Active Under Contract

ACTIVE UNDER CONTRACT

SELLING PROPERTY WHILE IN ACTIVE UNDER CONTRACT

- All offers must be submitted to seller

CHANGE PROPERTY TO PENDING

- When the Seller is no longer willing to make the property available for showings and is not willing to accept Back-Up offers, the property must be changed to Pending Status

QUESTIONS ABOUT ACTIVE UNDER CONTRACT
Getting More Info
On MLS Rules & Clear Cooperation

GETTING MORE INFORMATION

• For Information/Updates Visit: www.srar.com/clearcooperationpolicy

• Questions may be emailed to: clearcooperationpolicy@srar.com

• Telephone/Voicemail (8:30 am – 5:00 pm M-F): 818-835-1313 or 818-835-2305
  Due to current COVID conditions delayed response to telephone inquiries may be experienced.

Report A Violation
Of MLS Rules & Clear Cooperation
To Report a Possible Violation

a) Go To www.SRAR.com
   Click on Clear Cooperation Policy/Coming Soon
   [Link not accessible from image, likely a button or PDF]

b) Click on Report Listing Not in MLS on Homepage

To directly:

c) Go to directly to:
   www.ReportListingNotinCRISNet.com

d) If the listing was brought to your attention via e-mail forward the e-mail to mlsviolations@srar.com

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**ANONYMOUS REPORTING OF A VIOLATION**

- Complete the form to report a listing that is NOT in the MLS
- Click on the Report a Violation link on the MLS Listing within CRISNet for violations of MLS Rules for properties in the MLS

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**ANONYMOUS REPORTING OF A VIOLATION**

For Violations of MLS Rules other than Clear Cooperation

Click on the Report a Violation link on bottom of the MLS Listing within CRISNet
Any Final Questions?