



MLS



Clear Cooperation 2020 NAR®, MIAMI MLS and YOU

MIAMI MLS 03.20.20



Why do we need a Policy on Clear Cooperation?

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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 of the MLS reduces buyers' choice, skews market data, and may not be in the sellers' best interests.... leaving listings outside of the broader marketplace excludes consumers, undermining REALTORS®' commitment to provide equal opportunity to all. On November 11, 2019, the NAR Board of Directors voted 729 – 70 to approve Clear Cooperation. **This is MANDATORY for ALL MLSs...there is NO Option to Opt-Out. ALL MLSs must comply by May 1, 2020.**



**Commercial, Vacant Land, Multi-Family
over 4 units and Developer properties are
EXEMPT and NOT impacted by this change.**

Policy went into effect January 1, 2020 - MLSs can adopt the policy any
time, but they must adopt it no later than May 1, 2020.

MIAMI's Policy goes into effect April 20, 2020

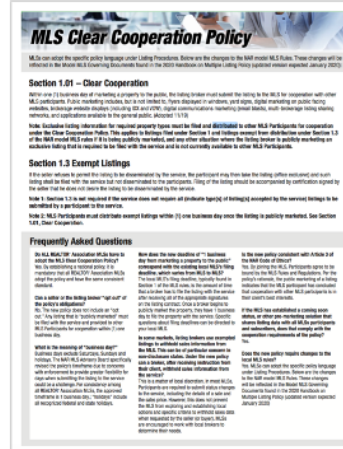
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These property types are NOT included in Clear Cooperation. Residential for Sale and Lease are subject to the Clear Cooperation Policy. MIAMI MLS's Clear Cooperation Policy and Enforcement goes into effect April 20, 2020.



MLS 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)



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HANDOUT - This same information can be found online at:
MiamiRealtors.com/ClearCooperation

MLS Clear Cooperation Policy & FAQs is provided as a handout for agents in your office - see Broker/Manager Newsletter or MiamiRealtors.com/Broker

What is Public Marketing?

Policy 8.0 states that a property must be listed in the MLS within one business day of marketing a property to the public.

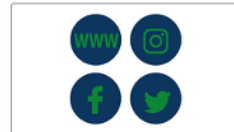
Public marketing includes, but is not limited to:



FLYERS Displayed in Windows



YARD Signs



Digital MARKETING
on public facing websites including Social
Media & applications available to the public



BROKAGE Website Display
(including IDX and VOW)



Digital Communication MARKETING
(email blasts)



Multi-brokerage LISTING
sharing networks

Public marketing includes, but is not limited to:

- Flyers displayed in windows flyers displayed in office lobbies
- Yard signs
- Digital marketing on public facing websites, including social media and applications available to the general public
- Brokerage website displays (including IDX and VOW)
- Digital communications marketing (email blasts and mail merge programmed emails) and text messages
- Multi-brokerage listing sharing networks



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.

MIAMI REALTORS
OFFICE EXCLUSIVE / EXEMPT LISTING – Exclude from the MLS

Property Address: _____
Listing Agreement Beginning Date: _____ Listing Expiration Date: _____
Listing Brokerage Name: _____

While the purpose of the MLS is to facilitate cooperation between MLS Brokers and their agents to successfully bring sellers and buyers together, it is also understood that there are circumstances under which the property owners may wish to keep their property and listing private and not have their listing disseminated to the public. By signing this form, the property owner, hereinafter referred to as the "Owner," certifies that the sale of the property will be handled exclusively within the listing brokerage. **Note: Submission of this form and the complete listing contract is required to be submitted to miamire.com within 2 days of the signed signature of the owner(s) of record or the listing effective date or the Listing Agreement if not entered immediately into the MLS.**

Initials and signatures of all owners and signatures of both the listing broker/office manager and agent are required for validation – no changes or strike-throughs will be accepted.

A. Impact of the Exclusion of the property from the MLS
As Owner(s), I/We request to exclude the listing from the MLS and to allow the brokerage to act in its/our best interest. By signing exclusion of the property from the MLS, our broker will not be cooperating with other MLS brokers in the sale of this property. This will include a combined MLSPIN/REALTOR in Southern Florida that would potentially be exposed to the property listing – the added exposure to a broader market of potential buyers could result in a more favorable outcome.

B. As Owner(s), I/We understand that any public marketing of this property will trigger the MLS Rules and Regulations requirement that the property be entered into the MLS within one business day for cooperation with other MLS Brokers. Note: Public marketing includes, but is not limited to, signs displayed in windows, yard signs, digital marketing on public facing websites, all social media platforms public or private, brokerage website listings (including IDX and VOW), digital communications marketing (email or text blasts, or automated voice calls / messaging), multi-brokerage listing sharing networks, and applications available to the general public.

C. FAIR HOUSING – By signing this form, I/We affirm that the property is not being excluded from the MLS based upon reasons based on race or ethnicity to allow, sell, negotiate or sell property to any individual or group of individuals on the basis of membership in any class, including but not limited to race, color, religion, national origin, sex, ancestry, age, marital status, physical or mental handicap, familial status or any other class protected by local, state and federal fair housing laws.

In accordance with MLS Rules and Regulations, by initiating above and signing below, as the property Owner(s), I/We are providing written instructions to the listing brokerage affirming that the property will not be entered into the MLS during the entire listing period and further acknowledge(s) that any public marketing of the property will require entry into the MLS within one business day. This Listing Exclusion may be withdrawn by the listing office at any time and placed in the MLS upon the Owner's authorization.

Owner Name (Print) _____ Owner Signature _____ Date _____
Owner Name (Print) _____ Owner Signature _____ Date _____
Agent Name (Print) _____ Agent Signature _____ Agent MLS ID _____
Broker/Office Manager (Print) _____ Broker/Office Manager Signature _____ MLS Office _____

By signing below, Broker/Office Manager and Agent affirm that this form has been fully reviewed with the Owner(s) and acknowledge that the form must be filed in accordance with MIAMI MLS Rules and Regulations. Note: Both signatures required

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HANDOUT - Our old form "Seller Opt Out" is being replaced by "Office Exclusive/Exempt Listing" this goes into effect 4/20/2020 – NOTE: This is OFFICE Exclusive NOT Brokerage Exclusive.

A Handout of this form is available for your agents – download from link in Broker/Manager Newsletter or go to MiamiRealtors.com/Broker

This new form ensures that Sellers are fully aware of the impact of their listing not being in the MLS, the consequences of Public Marketing and understanding of Fair Housing. Signatures of all parties are required and **no** changes or strike-throughs are accepted. Listing agreement and all required forms must be sent to MLS@Miamiire.com (subject line: Office Exclusive - within 2 business days of Listing Agreement Signature date).



Syndication Opt-Out Form

Any MLS participant who lists a property for a seller who has elected not have the property syndicated OR has chosen not to have the property address displayed on the internet must have the seller complete and sign this Form.

The form is titled "Syndication Opt-out Form" and includes the Miami Realtors logo. It contains instructions for participants who list a property for a seller who has elected not to have the property syndicated or whose address is not to be displayed on the internet. The form includes fields for the full property address, listing agent name, listing agent signature, listing agent date, listing office name, and listing office date. It also includes a section for the seller's signature and date. The form is dated 04/29/2020 and is a Miami Realtors document.

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HANDOUT - New Form: Seller(s) acknowledge by signature that they understand that consumers who conduct searches for listings on the Internet will not see information about their listed property and will NOT be transmitted by the MLS to various real estate Internet sites used by consumers to search for properties for sale, such as Realtor.com, Zillow.com, Homes.com and various individual broker-controlled websites that service the area in which the property is located.

this form must be completed, signed and attached to the listing contract **AND the complete listing contract, including this form, must be scanned/emailed to MLS@ Miamirecom with the subject line: Opt-Out.** Failure to provide this and all required documents within 2 business days is an MLS Rules Violation Subject to \$500 Fine.

The participant shall retain Opt-out Form for at least one (1) year from the date they are signed or one (1) year from the date the listing goes off the market which ever is greater.



How can I report an Off-MLS Property?

If you believe a property is being publicly marketed and is not listed in the MLS, you can submit documentation and request an MLS Review. MIAMI MLS requires documentation to investigate. Upload a file or image reflecting the public marketing and email to OffMLS@Miamire.com.

This documentation includes at least one of the following:

- Photo of For Sale Sign
- Copy of screen shot showing the link to the site with the property on it
- Copy of Flyer with the listing information
- Email blast solicitation
- Screen shot of listing appearing on a private network
- Screen shot of listing appearing on Social Media

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This slide provides the answer and the documentation required to report an Off-MLS Property. MIAMI MLS requires at least one of the above forms of documentation. Be sure to note the email address, it is very specific, and it dedicated to Off-MLS property reporting.



MIAMI MLS has an education-first policy for data integrity and compliance with our Rules and Regulations – our goal is to have accurate data and not to fine. This is how fines will be handled for Clear Cooperation compliance as well.

An appeal process has and will continue to be available per our Rules & Regulations.

CLEAR COOPERATION (Effective 4/20/2020)

1st Violation: \$2,500 • 2nd Violation: \$5,000 • 3rd Violation: \$7,500 plus MLS Review Panel

- Failure to submit listing to the MLS within one business day after Publicly Marketing the property
Refer to MiamiRealtors.com/ClearCooperation for definition of Public Marketing and FAQs.

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MLS Fine Schedule is provided as a Handout for agents at office meeting. It can also be found at MiamiRealtors.com/MLS. Why are the fines so high? These are not a cost of doing business, they are meant to be high enough to deter members from efforts to circumvent Clear Cooperation. A survey of other MLS across the country show that fines range from \$2,500 to \$5000 for First violation up to \$10,000 for Repeat Offenders before additional sanctions such as suspension of access/services.



MLS



**MIAMI has determined its own local
policies with regard to
implementation procedures,
guidelines and compliance.**

MiamiRealtors.com/MLS

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Updated 2020 **Policies & Procedures** (Rules & Regulations), **Fine Schedule** and **New and Updated MLS Forms** can be found at MiamiRealtors.com/MLS