

**Indiana Regional Multiple Listing Service (IRMLS)
Kosciusko Board of REALTORS®
Clear Cooperation Policy (CCP)
Questions and Answers**

- 1) What is Clear Cooperation Policy?** The Clear Cooperation Policy (CCP) is a National Association of REALTORS® (NAR) mandated policy that governs the public marketing of a listing and its entry into the MLS. The policy went into effect May 1, 2020. The policy states: **Within one (1) business day of marketing the listing to the public, the listing broker must submit the listing to the MLS for cooperation with other MLS Participants.**
- 2) Does CCP override KBOR's Local Rule adopted in 2018 for advertising?** Yes.
To preface, local MLS's may adopt stricter rules than the basic IRMLS Rules and Regulations if the new local rule is approved by NAR. In 2018, KBOR and then NAR, approved a social media rule that in order to advertise on any social media platform; the listing must be entered into the MLS. Another words, (0) Business days vs. the new CCP Rule of (1) Business day. With the environment as it is in our business, it was highly suggested by the IRMLS legal counsel that each of the local MLS's adopt CCP "as is" since there is so much crossover business. The rule can then be consistently applied. In addition, the IRMLS would not enforce local rules that are amended in any disciplinary and/or legal actions as they would not be in compliance with NAR.
- 3) Does the Clear Cooperation Policy replace KBOR's November 2018 Social Media Policy?**
Yes. The prior KBOR Social Media Policy, adopted in November of 2018, stated that in order to advertise on any social media platform, the listing had to be entered into the MLS immediately. After consultation with NAR and IRMLS Attorney's, KBOR adopted CCP to assure we were in compliance. If KBOR had chosen to continue their amended policy to CCP, the IRMLS could not support KBOR in disciplinary action and/or legal action as we would have been out of compliance with this National policy.
(Question added 08/20)
- 4) What is the definition of (1) Business Day?** Business days are Monday through Friday, excluding Saturdays and Sundays and Federal/State Holidays.
- 5) What Property Types does CCP apply to?** Residential Sale and Lease Only.
- 6) If the Listing Agent has started marketing the home, is it available for showing before being entered into the MLS?** The listing contract defines the showing process. If there are no exceptions (in writing) that the Seller does not want the listing shown until a specific time; it can be shown. All agents must be allowed to show the listing. It also must be entered into the MLS with (1) business day per CCP.

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7) What process was adopted by IRMLS to help members comply with this policy? The IRMLS Board of Directors amended the IRMLS MLS Rules and Regulations to include rules that govern CCP. After the seller signs an Exclusive Right to Sell or an Exclusive Agency contract for a residential property, the listing shall be entered into the MLS within KBOR's rule of two (2) business days after all necessary signatures of the seller have been obtained OR within one (1) business day after publicly marketing the property in accordance with the Clear Cooperation Policy whichever is less.

8) Does IRMLS Allow Office Exclusive Listings? Yes. IRMLS adopted an **"Office Exclusive Form"** that must be signed by the seller in addition to the Listing Contract. Both documents will be submitted to KBOR by the listing agent in compliance with their Office Exclusive rules. (Submit to Michelle Cabrera at info@kbor.com)

9) What is the Difference Between an Office Exclusive and an ACTIVE listing?

OFFICE EXCLUSIVE

No Marketing
Not Displayed in MLS
No Commission Offered Through MLS
No DOM/CDOM
No Syndication/IDX Distribution
Showings to Listing Broker Client Only
Office Exclusive Form Required

ACTIVE

Marketing Allowed
Displayed in MLS
Commission Offered
DOM/CDOM
Syndication and IDX
Showings Required
MLS Required Fields
Available for Clients Tools

10) What if the Seller Does not Want Their Property in the MLS at all? Is That Still Allowed?

Yes, the seller may opt to exclude their property from the MLS; however, no marketing of the property will be allowed. The seller must also sign the Office Exclusive Form along with the Listing Contract and both documents must be submitted to the local MLS within (3) calendar days after obtaining the necessary signatures from the seller(s). (Submit to Michelle Cabrera at info@kbor.com)

11) How do I Report Violations of this Policy? Agents will report potential violations using the **newly adopted Clear Cooperation Reporting Form**. The form must be completed and returned to your local MLS for processing.

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12) Is There a Fine Schedule if Found in Violation? Yes. The IRMLS Board of Directors adopted the following fine schedule:

- 1st Offense – Written Warning
- 2nd Offense - \$500
- 3rd Offense - \$1,500
- 4th Offense – Will be turned over to the IRMLS Board of Directors

13) Is there an Educational Period before the Fine Schedule is active? Yes, from May 1, 2020 to August 1, 2020. The IRMLS compliance fines will be held in abeyance until August 1st to give the Local Boards more time to educate our members. After August 1st, local boards will issue fines in accordance with the schedule above.

14) Where do I find the new forms? The Office Exclusive Form and the Clear Cooperation Reporting Form are available in MLS Docs in Paragon or on KBOR.com or directly from KBOR staff.