

1. What is the Clear Cooperation Policy (CCP)?

The Clear Cooperation Policy is a NAR® mandated policy that requires listing brokers to enter their listings into the multiple listing service within one (1) business day of marketing a property to the public.

2. What is considered public marketing?

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 public.

3. Was SDMLS required to adopt the CCP?

Yes. SDMLS, like other MLS providers across the state/country, were required to and adopted the policy May 2020.

7.5 Mandatory Submission.

Within 1 business day of marketing or advertising a property to the public or within 2 days after all necessary signatures of the seller(s) have been obtained on the listing or at the beginning date of the listing as specified in the contract, whichever is later, on any exclusive right to sell or seller reserved listing agreement for the sale of one to four unit residential property and vacant lots located within the service area of the MLS, Broker Participants must input the listing to the service for cooperation with other Participants. 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: windows, signs, public facing websites, social media, brokerage or franchise operated websites (including IDX and VOW), digital communications marketing (ex: email, text or phone blasts, social media messaging), multi-brokerage or franchise listing sharing networks, flyers or written material or on any applications available to the public or through conducting an open house. 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 7.6) Only those listings that are within the service area of the MLS must be input. Open listings, rental listings or listings of property located outside the MLS's service area (see Section 7.7) are not required by the service but may be input at the Broker Participant's option. Broker participants shall electronically input or deliver listing input forms, of exclusive right to sell or seller reserved listings on one-to-four-unit residential property and vacant lots located within the service area of San Diego MLS, within forty-eight (48) hours after all necessary signatures of seller(s) have been obtained on the listing. Only those listings of property that are within the service area of San Diego MLS of which the association is a part must be submitted. Open listings or listings of property located outside the San Diego MLS service area (see § 7.7) will be accepted if submitted voluntarily by a broker participant but are not required by the service.

4. What property types apply?

Residential, Vacant Residential lot, and Residential 1-4 units.

5. Did SDMLS add a new rule for CCP?

Rule 7.6 Exempted/Excluded Listings was modified to include the NAR® Clear Cooperation language.

If the seller refuses to permit the listing to be disseminated by the service on any exclusive right to sell or seller reserved listing agreement for the sale of one to four unit residential property and vacant lots located within the service area of the MLS, the listing broker shall submit to the service within 48 hours after all necessary signatures of the seller(s) have been obtained on the listing agreement or at the beginning date of the listing as specified in the contract, whichever is later, a certification signed by the seller stating that the seller instructs listing broker to do no public marketing or advertising (as public marketing or advertising is defined in Section 7.5), that the only scope of permissible promotion of the property will occur internally within the brokerage and consist of direct one-on-one communication between the listing broker and licensees affiliated with the listing brokerage and their respective clients (i.e. “office exclusive”) and that seller refuses to authorize the listing to be disseminated by the service. C.A.R. Standard Form SELM may be used for this certification, but in any event, said certification shall include the aforementioned required statements as well as an advisory to seller that, in keeping the listing off the MLS, (1) real estate agents and brokers from other real estate offices, and their buyer clients, who have access to the MLS may not be aware seller’s property is for sale, (2) seller’s property will not be included in the MLS’s download to various real estate Internet sites that are used by the public to search for property listings, (3) real estate agents, brokers and members of the public may be unaware of the terms and conditions under which seller is marketing the property, and (4) any reduction in the exposure of the property may lower the number of offers made and negatively impact the sales price. In the event listing broker commences any public marketing or advertising on an exempted listing, submission to the MLS for dissemination is required within (1) one business day thereafter in accordance with Section 7.5.

6. If the seller excludes the property from the MLS, can I still put a For Sale sign on the property?

No. Putting up a sign is marketing and would trigger the requirement to submit the listing into the MLS within one business day.

7. What is the definition of “business day”?

Business days are Monday through Friday, excluding Saturdays, Sundays, and Federal/State Holidays.

8. Are office exclusives allowed?

Yes. An office exclusive will be treated the same way they always have been. If the seller would like to withhold their property from the MLS for a temporary amount of time, or for the length of the listing, a SELM Form would still be submitted to rules@sdmls.com. However, marketing is limited to In House only and not to the public.

9. Who is the Public?

The Public is anyone who has not signed the Agency Disclosure (AD) Form with the Listing Broker or is not an affiliated agent with the same Listing Broker and Brokerage name.

10. Is there a specific form I need to submit to the Rules Department to exclude the listing?

SDMLS accepts the C.A.R.® SELM Form found in Zip Forms

11. How will SDMLS monitor off market listings that are in violation of the CCP?

If a property is reported marketed off the MLS, the SDMLS Rules staff will follow up with the listing agent and broker with a notification that the off-market listing must be entered into the MLS within one business day to Active or Coming Soon status.

12. What are the penalties for violations of the CCP?

SDMLS staff issues warnings to listing agents and brokers giving them one day to enter the listing into the MLS.

Repeat non-compliance will result in an initial fine of \$500 (Leadership/BOD decision pending to increase to \$2500) and progressive thereafter per the SDMLS Rules Citation Enforcement Policy.

13. How do I report a violation?

Violations are reported to rules@sdmls.com or at sdmls.com/compliance/clearcooperationpolicy
Click on the **San Diego MLS Clear Cooperation Policy Violation** – [LINK](#)

Please note that the SDMLS does not have jurisdiction over all MLS Subscribers and Participants due to our data sharing agreements with other MLS organizations.

14. Can an Off-MLS closed sale still be input into the MLS as a comp?

Yes. However, the submission of off-market property sales must comply with SDMLS (San Diego Multiple Listing Service) Rules & Regulations and the mandatory NAR® Clear Cooperation Policy <https://www.nar.realtor/about-nar/policies/mls-clear-cooperation-policy> and subject to document request and rules compliance audit/verification.

15. Differences: Excluded listings and MLS Listing Statuses

Exclusions Filed	Coming Soon	Active
No Marketing	Marketing Allowed	Marketing Allowed
Not Displayed in MLS	Displayed in MLS	Displayed in MLS
No Commission Offered	Commission Offered	Commission Offered
No DOMLS	No DOMLS	DOMLS counts
No Syndication	Optional Syndication	Full Distribution by MLS To Syndication
Showing only to List Brokerage	No Showings	Showings Allowed
No time limit	21 days	For life of listing or status change
No photo required	Photo required	Photo required
No sign on property	Sign permitted	Sign permitted

Need Help? Please call 858-373-4011 or email rules@sdmls.com