

NORTHWESTERN WISCONSIN MULTIPLE LISTING SERVICE, INC. CLEAR COOPERATION POLICY FAQs

What types of listings must be submitted to NWWMLS?

Listings of real property, which are listed subject to a real estate broker's license, and are located in NWWMLS's mandatory listing area, and are taken by an NWWMLS participant on an exclusive right to sell or exclusive agency listing form must be submitted to NWWMLS. See Rules & Regulations & Policies & Definitions, Section 1 and Section 1.10.

When do I have to submit a listing to NWWMLS?

Listings must be submitted to NWWMLS within three business days of the start date of the contract. The start date of the contract is the date listed on line 311 of the Wisconsin Real Estate Examining Board's Residential Listing Contract. See Rules & Regulations & Policies & Definitions, Section 1.

If a listing has not been submitted to NWWMLS and is publicly marketed, then the listing must be submitted to NWWMLS within one business day in accordance with the Clear Cooperation Policy.

What is the Clear Cooperation Policy?

Within one 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. See Rules & Regulations & Policies & Definitions, Section 1.0.

What is 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 general public. See Rules & Regulations & Policies & Definitions, Section 1.0.

When does the Clear Cooperation Policy go into effect?

NWWMLS's Clear Cooperation Policy will go into effect on May 1, 2020. Fines for non-compliance will not begin until June 1, 2020.

In what statuses can I publicly market a listing?

All active statuses (active, active w/ bump clause, active w/ offer).

In what statuses is public marketing not permitted?

Temporarily off market, pended, expired, expired w/ offer, withdrawn, and closed.

What property types are subject to the Clear Cooperation Policy?

The Clear Cooperation Policy applies to all required MLS property types:

- Single family homes (residential)
- Vacant lots and acreage (vacant land)
- Two-family, three-family, and four-family residential buildings (multi-family)
- Farms

See Rules & Regulations & Policies & Definitions, Section 1.

What if my seller does not want their listing disseminated via NWWMLS?

If your seller-client refuses to permit their listing to be disseminated via NWWMLS, then the participant can take the listing as an office exclusive listing. Participant must submit a certification, signed by the seller, that she does not want their listing disseminated via the MLS. The certification must be submitted to NWWMLS within three business days of the start date of the term of the contract. MLS provides a *Request to Withhold Listing* form that may be used for the certification. See Rules & Regulations & Policies & Definitions, Section 1.3.

Can office exclusive listings be publicly marketed?

No. Properties withheld from the MLS (office exclusive listings) are **not permitted to be publicly marketed**. If the office exclusive listing is publicly marketed, then the listing must be submitted to the MLS within one business day of the public marketing, in accordance with the NWWMLS Clear Cooperation Policy. See Rules & Regulations & Policies & Definitions, Section 1.3.

To whom can office exclusive listings be shared?

Per NWWMLS rules, office exclusive listings cannot be publicly marketed. However, direct promotion of a listing between the listing broker and their affiliated licensees is not considered public marketing. Additionally, the listing broker and their affiliated licensees can share office exclusive listings with their clients (a "client" is an individual that has an agency agreement with the listing firm for brokerage services under Wisconsin law). See Rules & Regulations & Policies & Definitions, Section 1.3.

What if my seller requests that their property be temporarily suspended?

The listing broker and agent must contact the MLS to request the temporary off market status and submit a fully completed Temporarily Off Market Request Form. Listings cannot change to the temporarily off market status within the first 14 days of the listing's start date; properties can only be temporarily off market for 30 days. (Listings that must be off the market for longer than 30 days, the listing must be withdrawn.)

Properties in the temporary off market status are **not permitted to be publicly marketed**. The yard sign must be taken down, the property is not permitted to be shown, and the property will not be included in MLS's outgoing data feeds to portal website or via IDX.

If a property in the temporary off market status is publicly marketed, then the listing must be changed back to an active status in the MLS system within one business day of the public marketing, in accordance with the NWWMLS Clear Cooperation Policy. See Rules & Regulations & Policies & Definitions, Statuses.

Can a REALTOR® market a property they own as a FSBO and not be in violation of Clear Cooperation?

Yes, a REALTOR® can market the property they own as a FSBO as long as there is no active contract and they do not advertise through the brokerage. The listing **cannot** be added to the MLS for Comp Purposes.

What happens if I violate the Clear Cooperation Policy?

As of June 1, 2020, NWWMLS will assess fines for non-compliance on a tiered basis. The first offense will result in a \$750.00 fine; second offense will result in a \$1,500.00 fine; third and greater offenses will result in a \$5,000.00 fine. See Rules & Regulations & Policies & Definitions, Section 1.0.

How can I report violations of the Clear Cooperation Policy?

To report a potential violation of the NWWMLS Clear Cooperation Policy, please email Staff@raww.org or Tricia@ranww.org. Please submit appropriate documentation of the public marketing with your inquiry (for example, a photo, screen shot, or copy of advertisement).

Where can I find additional information on NAR's MLS Clear Cooperation Policy and its background?

You can read more details about NAR's MLS Clear Cooperation Policy here: <https://www.nar.realtor/about-nar/policies/mls-clear-cooperation-policy>