

Understanding the Clear Cooperation Policy

As of May 1, 2020, the Tahoe Sierra Multiple Listing Service (TSMLS) adopted the following NAR mandated Clear Cooperation Policy into the TSMLS rules.

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.

Under the policy, the SELM form (Sellers Right to Exclude Listing from MLS and Days on Market) is much more limited. If an agent is engaged in any form of public marketing (signs, flyers, Facebook, private networks, portals, etc.), the listing must be on market, the listing must have an Active (A) or Coming Soon (CS) status in the MLS. Days on Market and Days on MLS will calculate, and you can do any public marketing you wish. You do not need an SELM with a Coming Soon (CS), as it is an on-market status. Sellers should sign a SELI form (Sellers Instruction to Exclude from the Internet) when using the Coming Soon (CS) status. There is no time limit for how long a listing can remain as Coming Soon (CS) in the MLS rules, but until it is turned to Active (A), it will not go to any internet websites. The Board does not collect SELI forms, only SELM forms.

If your seller does not want the listing to go on the MLS while you prepare it for market or for any other reason, you would then have your sellers sign the SELM form and submit a copy to the Board. There will be no public marketing, you are not showing the property. It is off market during the time frame indicated in the SELM. As the property is not on the MLS, it will not accrue days on market.