



Recommendations from the Clear Cooperation Task Force As Approved by the Canopy MLS Board of Directors on March 26, 2020

With the implementation of the Clear Cooperation Policy mandated by the National Association of Realtors®, the Clear Cooperation Task Force and Canopy MLS Board of Directors approved these additional recommendations to be implemented on May 1, 2020:

1. Implement a new [“Firm Exclusive Agreement” form](#) to replace the “Seller Authorization to Withhold Listing from Canopy MLS” form.
2. Failure to provide the Firm Exclusive Agreement to Canopy MLS within two business days from the Effective Date of the listing agreement is a Category II violation, which carries an immediate \$100 fine for the first violation. Additional violations of the same offense by the same individual increase by \$50 for each additional occurrence to a maximum of \$500. Thereafter, fines shall be determined by the Canopy MLS Board of Directors.

The respondent must correct the violation within two days. If the respondent does not correct the violation within two days, and the respondent has not indicated plans to appeal the alleged violation, Canopy MLS will assess a Category II Non-Compliance Fine of \$200. The Non-Compliance fine will be re-assessed every two days until the respondent corrects the violation or indicates plans to appeal.

Failure to pay a fine within 20 days (including weekends and holidays) incurs a Non-Payment Fine of \$200, and every 30 days thereafter another Non-Payment Fine may be levied.

Failure to pay accumulated fines of \$500 or more may result in the termination of MLS services.

3. Exclusive Agency listings should be mandatory for submission.
4. Change the listing submission grace period from 48 hours (excluding holidays and weekends) to one business day from the Marketing Date.
5. Failure to input a new listing that is required to be entered into the MLS system **will continue to be** a Category II violation, and the compliance process described under #2 above also applies.

Enforcement of fines for violations of the Clear Cooperation Policy will begin **June 1, 2020**.

6. Establish that for Canopy MLS, Clear Cooperation does not apply to new construction that is “proposed” and “under construction.”

New Construction that is “Proposed” and “Under Construction”: The Listing Brokerage may submit New Construction properties to the MLS that are “proposed” and “under construction” that have not received a certificate of occupancy. “New Construction” means the certificate of occupancy is no more than two years old, the home has never been lived in, and New Construction does not include remodeling. If a New Construction property is not already under contract when the certificate of occupancy is issued, and the property meets the requirements of Section 1, then the property is required to be submitted to the MLS. If the property is under contract at the time the certificate of occupancy is issued, then the property may be either: (1) entered as a new listing and immediately updated to under contract status, or (2) entered for comparable purposes after it closes (see Section 3.6).

7. Repurpose the Unlisted Buyer Agent Sale functionality to allow expanded reporting of Comp Sales with three Sold Comp Types:
 - a. Firm Exclusive Comp Sale: Allows the listing brokerage to specify a listing agent from within the firm. The selling agent will be 00001 or can be changed to an agent from within the firm.
 - b. Selling Agent Comp Sale: Allows the cooperating brokerage to specify a selling agent from within the firm, and the listing agent will be 00001.
 - c. New Construction Listing Agent Comp Sale: Allows the listing brokerage to input new construction comp listings all at once rather than having to save them as Active, change the status to Under Contract, then change the status to Closed, then contact MLS Support to fix the dates. Allows the listing brokerage to specify a listing agent from within the firm, and the selling agent can be any other MLS subscriber.
8. Add fields for “Sub Agency Compensation” and “Sub Agency Compensation Type” to the Selling Agent Comp Sale and New Construction Listing Agent Comp Sale.
9. The Firm Exclusive Comp Sale will have the “List Price” field available, but it is not required.
10. Comp Sale data will be included in syndication for IDX, VOW, AVM, Back Office and syndication data feeds. The fields will mirror the defaults on the regular add/edit input forms (i.e., Allow Internet Listing Display = Yes, Allow Internet AVM = Yes, Allow Internet Address Display = Yes, Allow Internet Comment = Yes, Allow Syndication = Yes).