

bright MLS

Off-MLS Policy Resource Guide

RULES & TOOLS

BrightMLS.com/OffMLS

Off-MLS: Understanding the Policy and Defining the Terminology

Off-MLS or **Pocket listings** are listings that are marketed and sold outside of the MLS system.

These listings go against the cooperative nature of the MLS and challenge the tenets of **Fair Housing.**

In October, Bright enacted the **Off-MLS policy.**

The policy states: Listings must be entered within **one business day** of public marketing.

Public Marketing includes 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.

If you would like to **pre-market** your upcoming listing, use the Coming Soon status.

You can publicly market the listing in the Coming Soon status, but the listing can't be available for showings.

If your client does not want the listing in the MLS for privacy reasons, **Office Exclusive** listings are permitted with a signed waiver of cooperation.

Public Marketing is not permitted for Office Exclusive listings.

Commercial listings are exempt from the Off-MLS policy due to the unique nature of these listings.

New Construction and **Rentals** are subject to the policy.

New Construction properties will be able to remain in the Coming Soon status for an extended time (up to two years) until showings begin or there is a Certificate of Occupancy or similar permit obtained.

New Construction is defined as all newly built homes.

Condo conversions and **major renovations** where there is no current Certificate of Occupancy are considered similar to New Construction and will also have the option for extended time (up to two years) in Coming Soon.

Rentals include all properties available for rent that are zoned for residential use.

Vacation/seasonal rentals are not considered part of the policy.

Top 10 Off-MLS Policy Questions and Answers

1. **What is the policy?**
   Within one business day of marketing a property to the public, the Participant must submit the listing to Bright MLS for cooperation with other Bright MLS Participants. 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.

2. **Why did you create this policy?**
   The policy was created to provide sellers with access to the largest possible group of buyers and buyers with the widest possible selection of listings. It was also created to encourage competition and cooperation of professionals within the marketplace. In addition, the policy strongly supports the ideals of fair housing.

3. **Does this policy apply to Commercial listings?**
   This policy applies to Residential Sale and Residential Lease listings within the Bright footprint. It does not apply to Commercial listings.

4. **Will a fine be assessed for non-compliance of the policy?**
   A fine of $5,000 ($500 for Rental Properties) may be levied for non-compliance. Additional fines may be assessed for continued violations. Fines will begin on February 1, 2020 and can be appealed at appeals@brightmls.com.

5. **Will I get fined for something I didn't realize was against the new policy?**
   Bright has an education-first stance when it comes to compliance with our Rules and Regulations. This is how fines will be handled for Off-MLS concerns as well. A warning will be sent with opportunity provided to enter the listing. If a fine is assessed, an appeal process is also available.

6. **What effect will this have on "Coming Soon" listings?**
   The Coming Soon status and the rules surrounding it do not change as part of this policy. Listings cannot be shown in the Coming Soon status. However, if you are preparing your property and want to build excitement while pre-marketing the property, the Coming Soon status is an option, where Days on Market will not accumulate.

7. **Are Residential Lease (Rentals) included in the policy?**
   Yes, Residential Lease listings are covered under the policy the same way Residential Sale is. For Residential Lease properties that are difficult to show due to the current renter, Agent Remarks should be leveraged to describe how showings will be handled. Please refer to section 1.3 in the Rules and Regulations.

8. **Are vacation rentals included?**
   Vacation/seasonal rentals are not included.

9. **How does this new policy deal with Office Exclusives and private listings?**
   The policy allows for Office Exclusives, or private listings, on the condition that they are marketed through internal office networks, but not publicly to other agents outside of their brokerage firm or publicly to consumers.

10. **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.

New Construction and the Off-MLS Policy

Through extensive discussions with Brokers and Agents, our Board of Directors has decided to expand the policy to include New Construction in order to ensure the principles of Fair Housing, Cooperation and Compensation are being adhered to across the spectrum of listings entered into Bright.

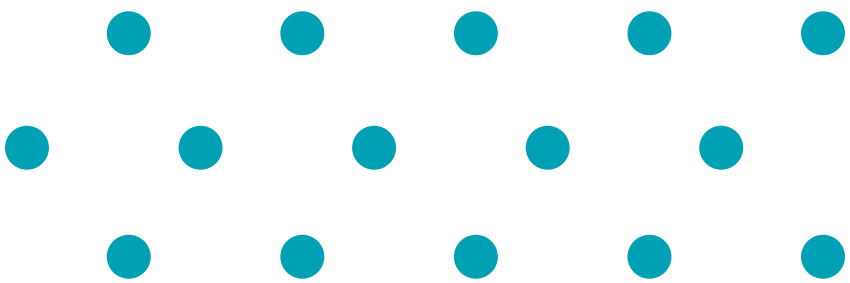
Here are 5 things to know when entering New Construction listings:

1. **The Off-MLS Policy includes New Construction listings.**
   These listings will not be exempt from the Off-MLS policy. They will need to be entered into Bright within one business day of public marketing.

2. **New Construction listings are defined as a newly built home.**
   Condo conversions and major renovations, where there is no current Certificate of Occupancy or equivalent are considered similar to New Construction. Accommodations will be made for these properties.

3. **New Construction and listings with significant renovations will be able to remain in the Coming Soon status for an extended amount of time (up to two years) until showings begin or there is a Certificate of Occupancy or similar permit obtained.**

4. **Once showings are accepted, the status will need to be updated to Active.**
   Showings are not permitted in the Coming Soon status. This will not be adjusted for New Construction or listings with significant renovations.





Rentals (Residential Lease) and the Off-MLS Policy

Here are 5 things to know when entering Residential Lease listings:

1. **The Off-MLS Policy will include Rental listings.**
   These listings will not be exempt from the Off-MLS policy. They will need to be entered into Bright within one business day of public marketing.

2. **The Coming Soon status is available for properties that will be on the market soon.**
   If you have a property that you expect to be available soon and you would like to begin pre-marketing, the Coming Soon status is available. Showings are not permitted in this status.

3. **Vacation/seasonal rentals are not included.**

4. **The fines for Rentals (Residential Lease) will be $500.**

5. **Commercial Lease is still exempt. However, all apartments including those in large apartment buildings are included in the policy as they are zoned for residential living.**
   A property is considered Commercial only if it zoned for Commercial use such as an office building.

How to: Report a Violation or Appeal a Fine

To report a violation, email **OffMLSLISTINGS@brightmls.com**

If you are reporting a violation, include the following information:

- Full address of the property
- Listing agent name
- Listing agent's company name
- Documentation (image of sign, URL of property, flyer, email, etc.)

To appeal a fine, email **appeals@brightmls.com**

For more information, visit **www.brightmls.com/offmls**

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Version: 2.3.20