

## When Can a Listing NOT Be Entered into the MLS?

If a seller says to you, "I don't want my listing in the MLS," your response should be "Why?" Tell them that sharing the listing with other agents and brokers through the MLS is the best way to attract an actively searching, qualified buyer and get the best price.

The purpose of an MLS is cooperation and compensation. Agents and brokers **cooperate** through the database to connect sellers (with homes for sale) with buyers – by sharing and finding listings on the MLS. When you joined ESAR you agreed to follow the rules of the MLS, which include entering all your listings within our 2 counties into the MLS database (Section 1.12 Service Area), to share with the REALTOR® community, unless very specific scenarios occur and are handled properly, according to other areas of our MLS Rules & Regulations.

### Scenario 1: Privacy – No marketing at all

If the Seller is saying that they don't want the public knowing the house is for sale, for privacy reasons for example, you can do that. You can take the listing as an office exclusive, which allows only for dissemination of the listing within your office/firm. You must complete the [ESAR Seller Opt Out Form](#) and send it to Sharon at ESAR. And then you MAY NOT DO **ANY** PUBLIC MARKETING of the property: no lawn signs, email, flyers, manually entering the listing on brokerage or national websites, etc. If you do market the property, the Opt Out is void, and it MUST be entered into the MLS within 24 hours of that marketing occurring.

### Scenario 2: Keep Off the Internet

If the Seller wants the listing marketed but not on the Internet, there is an option in the rules for that, too. You take the listing, enter it into the MLS, but select "Display on Internet: No" and "Realtor.com: No." You can still perform all other types of marketing, but this will keep the listing off REALTOR.com, Zillow, Trulia, all brokerage websites (IDX), and all other public websites that get the ESAR listing data feed.

### Scenario 3: Not Ready to Show – Coming Soon

If the Seller is not yet ready to show the property, perhaps because they are waiting for repairs, landscaping, etc. you can enter the listing into the MLS as Coming Soon. It can only be in this status for a maximum of 14 days, and during this time it CANNOT BE SHOWN, and the Seller CANNOT ACCEPT AN OFFER. You can and should present all offers, but they must wait for the Active date to accept. (Please note and follow all other rules for Coming Soon listings. See Status Definitions, Section 1.)

### Scenario 4: Other...

Enter the listing into the MLS as Temporarily Off the Market, which does not allow showings or other marketing, but you intend to resume these at some time. Enter the listing as Active, which allows all marketing and showings, but block out the days that the property is not available to be shown within the Navica Showing Manager.

**But there is no option within MLS rules that allows a sign on the property, or for the property to be on the Internet, or to be publicly marketed in any way, while the property is NOT in the MLS.** If at any time, you perform any type of public marketing on a listing, MLS Rule 1.0.1 called Clear Cooperation becomes effective. This is a NAR mandated rule, adopted in 2019, that requires a listing be entered into the MLS within 24 hours of being marketed.