



Listing Statuses and Status Changes

All CMLS Subscribers are obligated to report status changes, including final closings of sales, on listings submitted to the service, regardless of the level of service or type of listing agreement associated with the listing.

The listing brokerage must input any change in listed price or other change in the original listing agreement, only when authorized in writing by the seller(s), within two business days after the listing brokerage receives the authorized change.

Statuses include "Active," "Pending," "Contingent Continue to Show," "Conditional Continue to Show," "Temporarily Off-Market," "Sold," "Withdrawn" and "Expired."

If the cooperating brokerage contacts the seller directly for showings or negotiations (as with a limited-service listing), then the cooperating brokerage must report accepted offers to the listing brokerage in writing within two business days after the "Effective Date" as defined in the purchase agreement, or as otherwise determined under applicable state law, and the listing brokerage shall report accepted offers to the MLS within two business days after receiving notice from the cooperating brokerage.

"Active" status indicates the listing is available. The listing brokerage must input each listing required to be submitted to the service within two business days of the beginning date of the term of the listing and after obtaining the Seller's signature on the listing agreement.

"Pending" status indicates the listing is under contract (either with or without conditions), showings are no longer being sought and backup offers are not being solicited. The listing remains on "Pending" status until the listing is reported as "Sold," returned to "Active" or "Withdrawn."

"Pending" sales shall be reported to the MLS ("Pending" status) by the listing brokerage within two business days after the "Effective Date" as defined in the purchase agreement, or as otherwise determined under applicable state law.

"Contingent Continue to Show" and "Conditional Continue to Show." A listing subject to a signed purchase agreement that is still available for showing shall be reported as such to the MLS ("Contingent Continue to Show" or "Conditional Continue to Show" status) by the listing brokerage within two

business days after the “Effective Date” as defined in the purchase agreement, or as otherwise determined under applicable state law.

“Contingent Continue to Show” status indicates that a listing is under contract subject to the sale of the buyer’s property (as with the “Contingent Sale Addendum”). The listing remains on “Contingent Continue to Show” status until it is reported as “Pending,” “Sold,” returned to “Active” or “Withdrawn.” “Contingent Continue to Show” status indicates the listing is available for showing and backup offers are being taken.

“Conditional Continue to Show” status indicates that a listing is under contract with other contingencies or conditions (except for a contingency subject to the “Contingent Sale Addendum”). Such contingencies or conditions (i.e., financing, cost of repairs, etc.), can be reported to the CMLS as “Conditional Continue to Show” until the listing is reported as “Pending,” “Sold,” returned to “Active” or “Withdrawn.” “Conditional Continue to Show” status indicates the listing is available for showing and backup offers are being taken.

The Offer to Purchase and Contract contains Section 16 Alternative 2, which requires the buyer to agree to give the seller an Option Fee (not part of the earnest money). Both the Option Fee and an Option Termination Date are written into the Offer to Purchase and Contract. The buyer has the right, at his or her expense, to have the property inspected prior to the Option Termination Date. The buyer can deliver a Termination Notice prior to the Option Termination Date and all earnest monies will be refunded, but the seller retains the Option Fee. If the buyer fails to deliver the Termination Notice prior to the Option Termination Date, the buyer deems to have accepted the property in its current condition as of the Option Termination Date and the Option Fee is credited to the purchase price at closing. The question came up as to how listings using Alternative 2 should be noted in the MLS. The CMLS Board of Directors decided that any listing using Alternative 2 should be noted as “Conditional Continue to Show” in TEMPO, until the Option Termination Date has passed.

“Sold.” Subscribers must report closed sales to the MLS (“Sold” status) within 10 business days after the closing.

Subscribers should withdraw any exclusive agency listing that the seller sells without the assistance of either the listing brokerage or a cooperating brokerage (i.e., if it is not sold through the MLS).

“Temporarily Off-Market” status is used to cover circumstances when a listing broker has agreed to discontinue marketing the property at the seller’s request, but the listing has not been released.

A listing in “Temporarily Off-Market” status is off the market for a time and is not available for showing. However, a listing contract still exists. The seller must authorize in writing the status change to “Temporarily Off-Market.” Days-on-market will continue to accrue until the listing becomes expired or the status is updated.

“Withdrawn.” Agents often ask, “Is it OK to withdraw my listing and re-input it to make the listing look new?” Listings can only be withdrawn from the system when authorized in writing by the seller. Any change to a listing agreement shall not constitute a new listing unless the change is made following the expiration.

Only Member Participants with head-broker or office-broker permissions in TEMPO can withdraw listings. This is because listings should not be withdrawn without the knowledge of the listing Member Participant when a listing agent hopes to take the listing with him or her to another firm, as this could be construed as a violation of Article 16 of the Code of Ethics.

Withdrawn listings cannot be returned to “Active” status.

Sellers sometimes contact CMLS staff and request to have their listings withdrawn. Sellers do not have the unilateral right to require the MLS to withdraw a listing without the Listing Brokerage’s concurrence. However, when a seller(s) can document that he or she has terminated his or her exclusive relationship with the listing brokerage, the MLS can remove the listing at the request of the seller.

“Expired.” Listings submitted to the MLS automatically expire on the expiration date specified in the listing agreement unless prior to that date the listing brokerage extends or renews the listing agreement. If the listing brokerage renews or extends the listing after it has expired, the listing brokerage can either return the listing to “Active” status or enter a new listing.

A listing in “Conditional Continue to Show,” “Contingent Continue to Show” or “Pending” status remains in that status until the listing brokerage changes the status once the contingencies have been met, the sale is closed, the listing is returned to active, or the listing is withdrawn. If the listing agreement expires while the listing is in “Conditional Continue to Show,” “Contingent Continue to Show” or “Pending” status and no sale occurs, and listing brokerage has not extended or renewed the listing agreement, then the listing brokerage must withdraw the listing within two business days.