

CCP and Withheld Listing FAQs

In March 2025, the National Association of REALTORS® adopted its Multiple Listing Options for Sellers policy. There are slight changes to NorthstarMLS® policy as a result,¹ including some clarifications to the Clear Cooperation Policy (NorthstarMLS® rule § 3.2) and to the Withheld Listings Policy (§ 3.7).

What remains unchanged is that any MLS participant who takes a listing within NorthstarMLS's jurisdiction (the state of Minnesota, the state of North Dakota, and Buffalo, Pepin, Pierce, Polk, and St. Croix counties in Wisconsin) must submit the listing to NorthstarMLS® within one business day after publicly marketing it (§ 3.2, § 3.1.1, § 1.2(j)). The *only* exception to that policy is if the participant takes the listing as a withheld listing (§ 3.7).

The NAR policy change does two things: (a) It clarifies how a listing broker may take a listing withheld from the MLS, and (b) it refines the definition of “public marketing.” These changes now appear in the NorthstarMLS® rules in sections 3.7 and 1.2(j). This document provides frequently asked questions about what has changed and what stays the same.

Which listings that a participating firm takes must be submitted to MLS?

Within two business days after taking any listing in the MLS service area (the state of Minnesota, the state of North Dakota, and Buffalo, Pepin, Pierce, Polk, and St. Croix counties in Wisconsin) in any of the mandatory property types (single-family homes, multi-family residences under five units, lots, lands, and farms), the listing participant must submit the listing to MLS for dissemination to other participants, unless the seller has requested that it be withheld from the MLS. If the listing participant takes a withheld listing and then publicly markets it, the participant must submit the listing to MLS for dissemination to other participants within one business day after publicly marketing the listing.

What is a withheld listing?

If a participant in MLS takes a listing and the seller refuses for it to be submitted to MLS for dissemination to other participants, the seller must sign the NorthstarMLS® *Certification to Withhold Property Listing* (or a substantively equivalent form), and the listing broker must submit the certification form to MLS and refrain from any public marketing of the listing. The listing brokerage firm is generally allowed to distribute information about the listing

¹ The NAR policy included a new optional listing status, called the “delayed marketing exempt listing” or “DMEL,” which NorthstarMLS™ has opted not to adopt.

only to its own subscribers and their customers and clients. The new NAR policy added the requirement for a signed certification from the seller. (See Northstar rule § 3.2 and § 3.7.)

What is public marketing?

“Public marketing’ is when a participant or subscriber engages in any one or more of the following regarding a listing: flyers displayed in windows or yard signs; and digital marketing on public facing websites, applications available to the general public, brokerage website displays (including IDX and VOW), digital communications marketing (email blasts), multi-brokerage listing sharing networks; and any substantively similar activity. A one-on-one communication between two subscribers in any medium or communication technology, including permitting a showing of the property, is not public marketing if it meets” certain requirements. (NorthstarMLS rule § 1.2(h).) The new NAR policy added the clarification permitting one-on-one communication.

What are the requirements for one-on-one communication between subscribers?

If participant has a withheld listing, the participant may normally only market that listing within the participant’s own firm and to its customers and clients and not to any other persons, consistently with the seller’s direction not to market the listing outside the listing firm.

An individual subscriber at the listing brokerage may, however, transmit the listing to an individual subscriber of another participating firm whom they believe may have an interested prospect. The listing brokerage’s subscriber can also arrange for a showing by a subscriber with another firm. But NorthstarMLS® rules impose the following clarifications on what counts as “one-on-one” communication:

- (i) “The communication must not be the result of an automated tool that is designed to deliver substantively the same information to multiple Subscribers or to repeatedly deliver substantively the same information to a single Subscriber.” (Rule 1.2(h)(i).)
- (ii) “The communication must not originate from a Participant firm but from an individual Subscriber, and the communication must not be directed to a Participant firm but to an individual Subscriber.” (Rule 1.2(h)(ii).)

Why is an automated tool not “one-on-one” communication?

Rule 1.2(h)(i) is designed to prevent a listing subscriber or participant from setting up an automated email chain, responder, or other mechanism that effectively publicly markets the listing. In other words, the listing broker’s subscriber must send their communication on a non-automated basis to a single other subscriber. The subscriber can do this with

multiple other subscribers, and in multiple emails, but each transmission requires the listing subscriber's initiation.

Why is communication between participating firms not “one-on-one” communication?

Unless a participating firm has only one subscriber, communicating about a withheld listing to that firm is effectively marketing it to more than one subscriber and not “one-on-one.” Similarly, unless the listing brokerage has only one subscriber, communications from the firm are not one-on-one either. Rule 1.2(h)(ii) thus prevents listing brokerages from setting up teams of assistants to push withheld listings out to other subscribers or participants. It also prevents other brokerages from receiving a “feed” of such listings and making them widely available to their own subscribers. Such systematic distributions outside of MLS can only be viewed as “marketing,” which the seller has forbidden on a withheld.

Can I take a withheld listing and place it on a private listing network?

Not if the “private” listing network exposes the property to brokerage licensees outside your firm. A private network is public marketing if it involves licensees outside the listing firm.

Can I send an email newsletter to selected subscribers highlighting my new withheld listings?

Only if all the recipient subscribers are within your firm. Some subscribers have newsletters that allow them to push information about new listings out to brokerages and subscribers with whom they have communicated before. Though these “push” communications can operate on platforms like Constant Contact or Mailchimp, it's also possible for a brokerage firm to set up a tool for sending such communications. Such push communications with withheld listings are permitted only if the recipients are all within the same firm as the sender or listing subscriber. Pushing this information outside the listing firm constitutes public marketing.

Can I take a withheld listing and push it out to my buyer prospects I think may be interested?

You may communicate to your buyer prospects by non-automated means about your withheld listings. Using automated means, such as an email blast, to your list of clients and prospects constitutes public marketing and not one-on-one communication.