



# Understanding the New Status: Temporarily Off Market (TOM)

The MLS Committee and GBRAR have authorized the addition of a new MLS status of Temporarily off Market or “TOM.” The TOM status has a very specific meaning and should only be used in select circumstances as described below. [Failure to abide by the rules regarding the use of the TOM status can result in negative consequences for your listing and/or fines for misuse!](#)

## WHAT IS IT?

In certain situations when working with a seller, it may become necessary to suspend efforts to sell the property while a MLS Participant has a valid listing agreement in place to do so. Specific examples of this may include: a property that has been damaged during a storm and requires a period of time for repairs to the damage, or a seller that may need to suspend efforts to sell the property due to personal circumstances such as a death in the family.

## WHAT ARE THE RULES REGARDING TOM?

The MLS Rules define the TOM status as:

*Listings of property in which the Seller has requested the Participant to:*

- temporarily suspend the marketing of the property, AND
- not set appointments for showings,

*while the listing contract between the Participant and the Seller remains in effect.*

## WHAT DOES THAT MEAN?

### **Listings of property. . .**

There MUST be a valid and acceptable employment contract (listing agreement) between the seller and the MLS Participant.

### **... in which the Seller has requested the Participant to:**

The SELLER is the only individual that can initiate a listing being classified as TOM. As with the office exclusive listings, this is not something the listing agent or broker can unilaterally decide. As such, any TOM listing, like an Office Exclusive will require certification SIGNED BY THE SELLER indicating *their* initiation of the TOM status which must accompany any TOM listing in the MLS.

### **temporarily suspend the marketing of the property,**

The marketing prohibition is deemed to apply to ALL promotion of the property during the time period in which it is classified as Temporarily off Market. If a property continues to be advertised, the TOM status **may not be applied to the listing.** This includes any and all means of marketing the listing including, but not limited to website displays such as IDX.

### **AND**

BOTH the suspension of marketing restriction (above) and the showing restrictions (below) are to be enforced on a TOM listing.

### **not set appointments for showings,**

The showing appointment prohibition is deemed to apply to ALL MLS Participants and Subscribers, including those affiliated with the listing broker. **If a Temporarily off Market listing may be shown by one or more licensees affiliated with the listing office or listing company, the Temporarily off Market status may NOT be applied to the listing,** and the listing broker must use alternative statuses.

### **while the listing contract between the Participant and the Seller remains in effect.**

This seller initiated request and TOM status may only be applied while the listing agreement with the seller is in effect. If the listing agreement is expired or cancelled prior to the expiration date (withdrawn) then the appropriate status changes should be made in accordance with other MLS Rules.

### **The Temporarily off Market (TOM) status is a TEMPORARY status.**

The status is specifically designated as a TEMPORARY status, and it may not be used for more than 30-days on a listing. If a listing is left in a TOM status for more than 30 days, **THE SYSTEM WILL AUTOMATICALLY CONVERT THE LISTING BACK TO AN ACTIVE STATUS.** If the specific situation requires that the listing be identified as off market for more than 30-days, the listing broker should consider alternative statuses. Furthermore, once a listing is placed into a TOM status, Paragon will not allow the listing to be re-entered into a TOM status again a second time without first resubmitting to MLS Staff.

## HOW DO I USE IT?

If you find yourself in a situation where you feel it is necessary to utilize the new TOM Status, be sure to follow the steps outlined below:

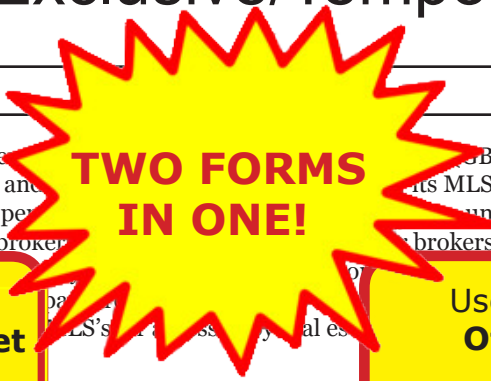
- 1) First, verify with your MLS Participant/Broker your situation and make sure that any use of the TOM status is consistent with your broker's directions or any other office policies.
- 2) If your broker/brokerage policy permits classification of the listing in a TOM status, then review the new MLS Exclusion documents with your seller, and be sure to go over the options regarding the implications of setting the status to TOM and have them sign off on the form. *(The MLS is releasing a single new form that can be used to have a seller initiate a status change to either OFFICE EXCLUSIVE or TEMPORARILY OFF MARKET, a sample of that form is attached.)*
- 3) Once the form is signed by the sellers, you can set the status of that listing in the MLS to TOM. A copy of the signed exclusion form should be uploaded to the MLS at the time the status is set to TOM. Setting a listing's status to TOM without submission of the seller signed document is a fineable offense.
- 4) **MARK YOUR CALENDAR!** Remember that a TOM listing will **AUTOMATICALLY** be converted back to Active status after 30-days. You may of course change the status from TOM to Active at any point prior to the 30 –days as the situation warrants. Also, be sure to make any other relevant status changes to the listing in accordance with other MLS rules!
- 5) If you have a question about the Temporarily off Market Status that isn't addressed here, **PLEASE DO NOT GUESS!** Call the MLS Staff at 225-761-2000, and we'll be happy to assist.



# Office Exclusive/Temporarily Off-Market

Property Address: \_\_\_\_\_

City: \_\_\_\_\_ ZIP code: \_\_\_\_\_




**1 Multiple Listing Service.** The Greater (MLS) for the benefit of its participants and submitted to the MLS describes the property sale, including but not limited to the listing broker

Use this section for **Temporarily Off Market** listings



Use this section for **Office Exclusive** listings



**2** property from MLS. MLS Rules exclusive right to sell and exclu all necessary signatures of the LS, in which case the listing b

**3** BY EXCLUDING SELLER'S R

**TEMPORARILY OFF MARKET STATUS**

Temporarily (not more than 30 days).

From: \_\_\_\_\_ To: \_\_\_\_\_

Seller must initial each of the following items.

The seller's property may not be marketed, nor may showings of the Seller's property be scheduled or held for the time frame indicated above. This prohibition includes any showing activity by the listing firm;

MLS will not make available information on Seller's property to other real estate websites used by the general public to search for properties for sale;

Real estate agents, brokers and members of the public consequently may be unaware of the availability of Seller's property or the terms and conditions under which Seller is marketing the property; and

The reduction in exposure of Seller's property to other real estate offices and prospective buyers may reduce the number of offers and adversely impact the price or terms Seller receives.

**OR**

**OFFICE EXCLUSIVE STATUS**

Permanently during the listing period provided for in the listing agreement:

Contract expiration date: \_\_\_\_\_

Seller must initial each of the following items.

Seller's property will not be disseminated to real estate agents and brokers outside of the listing office that subscribes to MLS' service and their buyer clients, nor the general public through GBRAR's public website;

MLS will not make available information on Seller's property to other real estate websites used by the general public to search for properties for sale;

Real estate agents, brokers and members of the public consequently may be unaware of the availability of Seller's property or the terms and conditions under which Seller is marketing the property; and

The reduction in exposure of Seller's property to other real estate offices and prospective buyers may reduce the number of offers and adversely impact the price or terms Seller receives.

**4** Seller certifies that Seller understands the consequences of excluding his/her property from GBRAR's MLS. By signing below, Seller acknowledges that Seller has read, understands, accepts and has received a copy of this authorization.

**Seller Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Seller Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**MLS Participant (Broker) Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Office Name:** \_\_\_\_\_ **Office MLS ID:** \_\_\_\_\_

**Listing Agent Name (Please print clearly):** \_\_\_\_\_

**Listing Agent Email:** \_\_\_\_\_ **Listing Agent MLS ID:** \_\_\_\_\_

AUTHORIZATIONS WITHOUT THE SIGNATURE OF THE MLS PARTICIPANT (BROKER) WILL NOT BE VALID  
This Certification must be uploaded to the MLS at the time the listing is reported as outlined in Section 1.3 of the Rules.