



## **Real Estate is an Essential Service – but it’s not Business as Usual**

As of 6:00 pm this evening, Friday, April 3, 2020, Georgia enters into a statewide Shelter in Place Executive Order (hereinafter referred to as “EO”) that will continue through April 13, 2020 (unless amended prior to this date). Local cities/counties may have curfews or shelter in place orders in effect beyond April 13, 2020.

Governor Brian Kemp has cited the guidelines set forth by the Department of Homeland Security, and in these guidelines, real estate is defined as an essential service. However, it is not business as usual, as agents will need to adjust their business practices in accordance with the safety guidelines **set forth by the CDC**, as well as understanding the limits that the EO does place on our industry.

While these guidelines help us to see the big picture according to the legal aspects of the State of Emergency, as REALTORS®, we have a responsibility to act in accordance with our Code of Ethics and License Law, and therefore, to act in the best interests of our clients and the public. The Best Practices recommended below are suggested to preserve safety of our agents, our clients and the clients of other real estate professionals during this time. We encourage brokers to review this information with their agents, and for agents to keep safety measures top of mind while conducting any transactions.

Below is verbiage that we have pulled from Governor Kemp’s **Shelter in Place Executive Order** as well as **CISA’s Guidance on the Essential Critical Infrastructure Workforce**, issued by the U.S. Department of Homeland Security. We used these points to craft our Best Practices for Conducting Real Estate Transactions during the Shelter in Place Executive Order (see below) in order to keep real estate transactions both legal and ethical during this unprecedented time. Effective 6:00 PM on April 3, 2020, the Governor’s Executive Order citing Real Estate as a Critical Infrastructure Workforce supersedes any local ordinance to the contrary.

### **CISA’s Guidance on the Essential Critical Infrastructure Workforce**

Under OTHER COMMUNITY- OR GOVERNMENT-BASED OPERATIONS AND ESSENTIAL FUNCTIONS, essential workers are defined as:

- Staff at government offices who perform title search, notary, and recording services in support of mortgage and real estate services and transactions.
- Residential and commercial real estate services, including settlement services

Additionally, under RESIDENTIAL/SHELTER FACILITIES AND SERVICES, essential workers are defined as:

- Workers responsible for the leasing of residential properties to provide individuals and families with ready access to available housing.
- Workers responsible for handling property management, maintenance, and related service calls who can coordinate the response to emergency “at-home” situations requiring immediate attention, as well as facilitate the reception of deliveries, mail, and other necessary services
- Workers performing housing construction related activities to ensure additional units can be made available to combat the nation’s existing housing supply shortage

### **Executive Order (“EO”) to Ensure a Safe and Healthy Georgia**

#### ***Travel provisions for Essential Workers during Shelter in Place***

**It is further ordered that** all residents and visitors of the state of Georgia are required to shelter in place within their homes are places of residence, meaning remaining in their place of residence and taking every possible precaution to limit social interaction to prevent the spread or infection of COVID-19 to themselves or any other person unless they are:

- 1. Conducting or participating in essential services**
2. Performing necessary travel
3. Are engaged in the performance of, or travel to and from, the performance of Minimum Basic Operations for a business, establishment, corporation, nonprofit corporation, or organization not classified as Critical Infrastructure, or
4. Are part of the workforce for Critical Infrastructure and are actively engaged in the performance of, or travel to and from, their respective employment.

**It is further ordered that** necessary travel permitted under this order is limited to such travel as is required to conduct or participate in essential services, minimum basic operations, or critical infrastructure as defined by this order.

### **Best Practices for Conducting Real Estate Transactions during the Safer at Home Executive Order, as Recommended by the Georgia REALTORS®**

#### ***Determine which real estate practices are essential***

- Transactions that were already in progress before the EO was issued should be seen to fruition with the assistance of technology.
- REALTORS® should not schedule or conduct any in person showings or appointments with any buyer who is not actively in the market to purchase immediately, and unless a current loan approval letter or proof of funds letter has been provided.
- Transactions that are due to unavoidable life circumstances, such as a member of the military being transferred to a new area with the need to secure housing, are permitted.

#### ***Conducting the transaction***

- Only engage in “in-person” activities when absolutely necessary and utilize the technology available to conduct as much business as possible. We strongly encourage virtual showings of homes.
- In the event that an in-person property viewing is deemed critical, the showing should be restricted to only the actual signer of the lease or sale agreement, and social distancing guidelines and best practices must be followed, such as use of hand sanitizer, gloves and booties to cover shoes. Listing agents should ask sellers to turn on all lights and open all closet/cabinet doors to keep touching to a minimum. Buyer agents should leave the house as it was found and wipe down all doorknobs, light switches etc., with a disinfectant wipe if contact is necessary. The overlapping of showings is prohibited, and a minimum of 45 minutes should be scheduled between all showings at a property. Additionally, any homes that have experienced foot traffic should be thoroughly cleaned.
- Open houses are not encouraged at this time, due to potential contamination issues. Please consult your broker for further guidance.
- Property inspections necessary for the closing of transactions remain allowed. However, extreme caution and regard for social distancing guidelines must be exercised in any face-to-face interactions that are necessary in the completion of the inspection. It is recommended that when possible, the home inspector be let in the property by the listing or selling agent while practicing distancing of 6 ft. or more. Consultation after the inspection should be done by phone or online to avoid physical contact.
- Property appraisals necessary for the closing of transactions, purchase, refinance, etc., are permitted. However, like inspections, extreme caution and regard for social distancing guidelines must be exercised in any face-to-face interactions that are necessary in the completion of the inspection. It is recommended that when possible, the home appraiser enter the property individually.
- Many title companies have implemented new requirements for notaries, attorneys and witnesses in connection with the temporary provisions allowing Remote Online Notarization and Virtual Closings.
- Attorneys may impose new guidelines related to closings including limiting attendance at those appointments to only the buyer and closing representative. Please contact the closing attorney for updates on their policies.
- GAR has developed a Special Stipulation for agents to use when delays occur due to COVID-19
- It may be advisable to carry an **Essential Worker Travel Pass** as well as a copy of these guidelines, should you need to justify your travel.

#### *Additional considerations*

- Please discuss the specifics of any and all transactions that you are engaged in with your broker. Your broker is your best guide to ensure that you are complying with the law as well as the ethical practices of real estate during COVID-19.
- For agents who do receive a positive diagnosis of COVID-19 infection, please follow the CDC’s guidelines regarding notification and your diagnosis. Additionally, we discourage the commingling of health updates with current or future listing promotions to the public. These practices stand a chance of stigmatizing the property, and such action does not serve the best interest of clients.

- For brokers who have staff or agents test positive for COVID-19, we encourage you to review NAR's **Sample Preparedness Plan** to ensure that all staff and agents that return to work are cleared to do so in accordance to the CDC's guidelines.