

COVID19 and “OPEN HOUSES”

Real estate has been designated a “life sustaining” business in the EO. See EO 2020-257(1)(o).

Licenseses will need to comply with relevant Orders of the Governor and the Cabinet for Health and Family Services, including, but not limited to, Executive Order 2020-323 and the May 11, 2020 Orders of the Cabinet for Health and Family Services. These Orders are available on the Healthy at Work Website, healthyatwork.ky.gov. Further, all real estate professionals must comply with the minimum requirements for all

Real estate agents may continue to perform tasks related to their professions; however, some standard practices may need to change.

Open Houses are permitted with groups of up to ten (10) people provided that 1) these Open Houses comply with both the “minimum requirements” and “guidance for gatherings of up to ten people” attached to this Memorandum, and 2) all parties agree that they are amenable to having an Open House.

1. What are the “minimum requirements?”

- Enforce Social Distancing six (6) feet or more
- Enforce Universal Masking
- Provide adequate hand sanitizer and encourage hand washing
- Ensure Proper Sanitation
- Limit Face-to-Face interactions
- Conduct Daily Temperature/Health Checks for Realtors/Staff
- A “not if Sick” work policy for Realtors/Staff
- Access to Gloves for Realtors/Staff

2. What is the “all parties agree” requirement actually mean?

- Use the COVID19 Addendum whenever possible
 - Businesses should ensure that employees use digital files rather than paper formats to the greatest extent possible
- Post a waiver agreement
 - “By entering this property, you agree to the COVID19 Addendum on Display”

Additional “General Guidance” from NAR:

1. “Before” conducting In-Person showings

- Check state and local executive orders to confirm the permissibility, and any specific requirements, of conducting in-person showings.
- Encourage buyers to narrow their property search through photos, virtual tours, and leveraging other technology to reduce the number of in-person showings.
- Consider adopting a policy of asking all buyers for a pre-qualification letter to limit in-person showings only to qualified and serious buyers.
- Be familiar with state and local restrictions based on whether a property is vacant, owner-occupied, or tenant-occupied, and consider implementing different precautions for occupied properties versus vacant properties.
- Discuss with a seller the precautions that will be taken when showing their property and adhere to any specific requirements requested by sellers showing the property.
- Require property showings by appointment, in lieu of open houses, to reduce the number of persons in a property at any given time.
- Request both the seller and potential buyers to self-disclose whether they have COVID-19 or exhibit any symptoms. However, note that COVID-19 is also spread by individuals who are asymptomatic.
- Be aware of any state or local restrictions on the number of people who may be present at the showing and discourage non-essential parties from attending the showing.

2. During In-Person Showings

- Adhere to social distancing recommendations and maintain a minimum of six feet of space between persons at all times.
- Avoid shaking hands with clients.
- Limit the number of persons who may attend a showing, such as only four people total.
- Require all persons entering a property to immediately wash their hands or to use hand sanitizer, remove footwear or wear booties, and wear a face mask or covering, and gloves.
- Instruct buyers and others touring the home to avoid touching any surfaces in the home, such as light switches, cabinet and door handles.

- Instruct buyers and guests not to use bathroom facilities at the property.
- Do not share phones, pens, or tablets or other personal property during the showing.
- Comply with any requirements of the seller during the showing.

3. After Showing the Property

- Wipe down any surfaces touched during the showing with a sanitizing wipe or disinfecting cleaner, as requested by seller, and suggest the seller also disinfect the property.
- Wipe down the key and lockbox with a sanitizing wipe or disinfecting cleaner after use.
- Speak with buyers outside of the property or in a ventilated area while maintaining a distance of 6 feet, or arrange to speak by phone or email.
- Do not provide any paper documents, and instead follow up with any information electronically after you leave the property.
- Use hand sanitizer upon returning to your vehicle.
- Maintain a detailed log of interactions to enable contact tracing, to include names, dates, and locations of interactions, as well as a party's contact information.