

BEST PRACTICE GUIDELINES

These guidelines reflect our understanding of Governor Newsom's stay-at-home order issued March 19, as updated by the Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response from March 28, 2020, which expressly includes residential and commercial real estate, including settlement services, as essential services.

What are the recommended best practices that must be followed in all circumstances?

- Showings should be done virtually, if at all possible.
- All activities should be completed electronically, if at all possible.
- Only a single agent and no more than two other individuals are to be in a dwelling at the same time during a showing. If other persons are necessary for a showing, they should wait outside or in their vehicles to observe the social distance guidelines.
- Sellers are to be advised that they should not be present within a dwelling at the same time as other individuals. Sellers are to be advised that they may remain on the property or in the common area of an HOA but not in the dwelling unit itself while agents, buyers, inspectors or others are viewing it. If a seller insists on remaining on the property, that seller is to agree to the terms and sign the declaration (see below) that is required for persons entering the property.
- Agents should read and understand the recommendations from the Centers for Disease Control and Prevention (CDC) on [how to protect yourself](#). This is critically important!
- Any persons on the property must agree to adhere strictly to the social distancing guidelines at all times by remaining at least six feet apart per the recommendations established by the CDC.
- Any person entering a property shall provide by declaration that to the best of their knowledge, they are not currently ill with a cold or flu; do not have a fever, persistent cough, shortness of breath, or exhibit other COVID-19 symptoms; have not been in contact with a person with COVID-19; and will adhere to and follow all precautions required for viewing the property at all times. All persons visiting a property will agree to wash their hands with soap and water or use hand sanitizer prior to entry, and to wear disposable rubber gloves and a protective face mask, if one is made available. In addition, sellers must disclose to all persons who enter the property if the seller is currently ill with a cold, flu or COVID-19 itself, or has a fever, persistent cough, shortness of breath or other COVID-19 symptoms, or has been in contact with a person with COVID-19. Further, if anyone who enters the property is later diagnosed with COVID-19, the person who is diagnosed must immediately inform the listing agent, who will then make best efforts to inform everyone who entered the property after the person diagnosed, of that fact.
- Sellers and buyers must be expressly made aware of the risks of showing and visiting properties: that it may be dangerous or unsafe and could expose them or others to coronavirus (COVID-19). Sellers and buyers must be advised of their responsibilities pertaining to COVID-19 protocols regarding social distancing and other CDC guidelines.
- The agreement of the seller allowing any person entering onto the property or into the dwelling must be expressly obtained from the seller. Apart from marketing and pre-marketing activities, a standard purchase agreement grants the buyer broad discretion to conduct various inspections and investigations. The seller should be apprised of their obligations under the purchase agreement so that they enter into such agreements with a clear understanding of the attendant risks.
- To the extent possible, the use of various third-party services providers for non-essential services must be avoided and, where unavoidable, the providers must agree to sign an agreement to follow CDC guidelines.
- REALTORS® should follow the above protocols when conducting any in-person interactions, but should refrain from any non-electronic unsolicited marketing during the COVID-19-related declaration of emergency.
- Brokers should consider extending listings and putting a hold on marketing activities or other accommodations for those who, for health or other reasons connected to the COVID-19 virus, wish to stop actively marketing their property for the duration of the governor's stay-at-home order.
- Unless absolutely necessary, communications with clients should be done via electronic means or by telephone. In person conversations should be minimized unless absolutely necessary.

Best practices related to entering a seller's property:

- Listing agents should not leave brochures and flyers in the property but instead upload them to the MLS.
- All showings are to be held by appointment only.

- Discourage anyone who does not need to view the property from attending a showing.
- Agents conducting the showing should meet clients at the property and not drive the client to the property, so as to minimize risk. Information relevant for the showing should be provided in advance to the clients electronically.
- Consider limiting in-person, non-virtual showings to “serious” potential buyers, who are those who have provided verifications of funds and lender prequalification letters to show they are able to purchase the property that is the subject of the showing.
- Let the seller know well in advance that there is an appointment for a showing.
- If using a lockbox, be sure to disinfect the key, the box, and the doorknob prior to utilizing.
- When using disposable gloves, be sure to put them on prior to entry and to dispose of them after leaving each property.
- Ask seller to turn the lights on and leave interior doors, drapes and blinds open. If the property is vacant, agent should ensure these tasks are taken care of prior to the showing.
- Refrain from touching any surface during a showing.
- As indicated above and following the CDC guidelines, maintain a safe distance from anyone in the property by staying a minimum of six feet apart.
- If the size of the residential unit makes it difficult to maintain the six-foot distance for all parties attending the showing, individuals may need to wait outside and come in the property one at a time, at all times maintaining proper social distance.
- Bring your own sanitizers, and gloves — don’t rely on others to bring them. If hand sanitizers are unavailable, liquid hand soap for hand washing should be made available.
- Follow suggestions in the CDC’s [Cleaning & Disinfecting Guide](#) and provide this information to your sellers, advising them to disinfect the property according to those guidelines after the showing is complete.
- Discussions after the showing with the seller or clients should be conducted through electronic means such as email, telephone, Zoom or FaceTime, rather than in person, as maintaining a conversation while adhering to the social distance guidelines is difficult.
- For HOAs, have the seller obtain a copy of any new rules that may govern showings of common areas or entry to the property.

The following activities are permissible within these guidelines if all of the above best practices are followed:

Pre-marketing activities

- Listing presentations should be done virtually if at all possible.
- Planting for sale signs or have a sign company install the sign at the agent’s direction.
- Pre-marketing inspections.
- Having contractors or workers make improvements to the property.

The written approval of the seller for all pre-marketing activities must be obtained by the listing agent. No third party can enter the property if they have not agreed to follow CDC guidelines. Even for contractors and workers, gloves and other protective gear are mandated, as is the declaration that they are asymptomatic and agree to follow CDC guidelines.

C.A.R. is working on and will have available very soon two new standard forms that will enable REALTORS® to comply with these Best Practices Guidelines. One will be an Addendum to the residential listing agreement for sellers and listing agents to sign, and one will be a combined Property Viewing Advisory and Declaration that will be given to and signed by seller, buyer, agents and anyone else who is entering the property.

Marketing activities

- Taking photography using a video-based system.
- Staging and de-staging should be virtual, not physical.
- HOA site inspections. The seller should check with the HOA to see what, if any, new rules may have been put in place as a response to COVID-19 and make sure that any inspections conform to those rules, or that consent of the HOA has been obtained for any exemption to those rules.
- Showing properties by appointment only (including rentals) to individual parties, one set of clients at a time.
- No open houses, broker tours or broker previews. A virtual open house or showing scheduled for a specific time may be permissible with the approval of the seller, however sellers should be advised not to be present during

such a virtual open house, or agree to sign the declaration regarding being asymptomatic and to follow CDC guidelines during any such showing.

- REALTORS® should NOT BE conducting any face-to-face marketing during the COVID-19-related declaration of emergency.

The written approval of the seller for all marketing activities must be obtained by the listing agent. No third party can remain unattended at the property. For all persons entering the property, gloves and other protective gear are mandated, as is the declaration that they are asymptomatic.

Drafting and acceptance of purchase agreements or other contracts

All of the following activities can and should be processed electronically:

- Preparing and signing purchase agreements or other contracts.
- Accepting offers.
- Preparing any amendment to a purchase agreement or other contract.
- Delivering any notices or demands.
- Depositing funds.

Completing the transaction

- Buyer inspections and investigations as permitted or required by the purchase agreement, or as legally mandated. Many of the items listed below are specific examples of such.
- Agent's completion of a legally mandated visual inspection of the property.
- Appraisals of the property.
- Contractors giving bids or estimates.
- Making contractually required repairs.
- Buyer's insurance inspections.
- Obtaining county or other municipal or government inspections.
- Signing off on permits.
- Putting up or removing fumigation tents.
- Buyers performing their final walkthrough.

Closing and moving

- Escrow/title company signoffs.
- Electronic notaries should be engaged if at all possible.
- Courier services.
- HOA transfers to the new owners.
- Providing keys to the tenants/buyers at closing.