

Coronavirus:

A “Best Practices” Guide for REALTORS®

Updated: March 30, 2020

Visit the following sites for more information and resources regarding COVID-19:



[Center for Disease Control and Prevention](#)



[Gainesville-Alachua County Association of REALTORS](#)



[Florida REALTORS](#)



[National Association of REALTORS](#)



[Alachua County Emergency Order](#)

This guide is designed to assist Realtors in complying with CDC and governmental guidelines as well as the Alachua County Emergency Order No. 2020-09, as amended. **We encourage agents to communicate with their brokers on policies specific to their office and brokers to consult with their attorney in developing office policies.** The COVID-19 environment is ever-changing so refer often to all CDC, governmental guidelines along with your broker and legal counsel.

IMPORTANT: Being deemed essential does NOT mean business as usual. Instead, it means electronic business using sound mitigation strategies, best practices and common sense.

The CDC urges individuals to take these measures to protect themselves and others:

- Wash your hands frequently with soap and water for at least 20 seconds. If soap and water aren't available, use an alcohol-based hand sanitizer.
- Avoid touching your eyes, nose, and mouth with unwashed hands.
- Practice social distancing by staying out of crowded places, avoiding group gatherings, and maintaining distance (approximately 6 feet) from others when possible.
- Avoid close contact with anyone who is sick.

- Stay home if you have a fever, cough, shortness of breath or any other cold or flu-like symptom.
- Clean and disinfect frequently touched objects and surfaces.
- Cover your mouth and nose with a tissue when you cough or sneeze, or cough or sneeze into your sleeve.

Additionally, to help prevent the continued spread of Coronavirus, on March 15, 2020, the CDC recommended that for the next 8 weeks, all in-person events consisting of 50 or more people, such as conferences and assemblies, be cancelled, postponed or [modified to virtual events\(link is external\)](#). On March 16, 2020, President Trump announced new guidelines, advising that individuals avoid groups of more than 10 people for the next 15 days. Avoiding these in-person gatherings is an effective measure that will reduce your risk of contracting or spreading Coronavirus. To the extent possible, the entire real estate transaction shall be conducted virtually, electronically, telephonically or by any other means available to avoid in-person contact and to remain compliant with current CDC Guidelines.

You should ask the following questions of customers or others about their recent travel, particularly to areas identified as having an increased risk of Coronavirus. To avoid potential fair housing issues, be sure to ask all clients the same screening questions.

1. Have you returned from international travel or been on a cruise within the last 14 days?
2. Have you been in contact with anyone who has returned from international travel or been on a cruise within the last 14 days?
3. Have you been in any gathering of 50 people or more in the last 14 days?
4. Have you traveled through any airport with the past 14 days?
5. Have you traveled to any area known to have high numbers of positive cases of COVID-19, including but not limited to California, Washington, New York, Massachusetts and Washington, D.C?
6. Have you experienced signs or symptoms of COVID-19, such as fever, cough or shortness of breath?

Open House Guidance

GACAR has recently disabled the ability to add, search or view public or broker open houses in Paragon and is instead recommending the use of virtual tours, photos, and Facebook live videos or the like to present open houses virtually.

Transaction Guidance

Listed Properties:

A seller generally has control over how their property is shown and has agreed to certain marketing activity in the listing agreement. If the seller desires to prohibit in-person showings, get those instructions in writing and consider an addendum to your listing agreement to extend the listing. GACAR is discouraging in-person showings and has amended policies to help accommodate this. It is permissible for a listing to remain active in the MLS with a statement in the Public Remarks that the property cannot be shown at this time due to the COVID-19 pandemic. Showing instructions must be updated in Paragon and ShowingTime. It is also permissible to add the URL to an unbranded virtual tour in the Public Remarks.

GACAR is recommending the use of virtual tours, photos, and Facebook live videos or the like to present in-home showings virtually.

Pre-qualifying buyers is recommended. Realtors may ask if a buyer is pre-qualified to purchase and limit showings to qualified buyers. Be sure to ask all buyers for a pre-qualification letter to avoid a potential Fair Housing violation. Keep in mind that it may be difficult for buyers just entering the market to obtain a pre-qualification letter given the current circumstances, as many mortgage companies have been impacted by the pandemic with high volumes of refinancing applications and other operational issues.

Buyers have purchased properties “sight unseen” for a variety of reasons long before this pandemic. Virtual, online video tours are tried-and-true alternatives to in-person showings. Others are allowing the seller’s agent to use a video-conferencing app like Skype or FaceTime to virtually show a property in real time.

Unlike an in-person showing, a buyer purchasing a property without physically visiting it is relying on photos, livestreaming, or online virtual tours. Consult your broker for language in the purchase agreement that acknowledges that the buyer – not the listing broker, agent or seller – is responsible for personal verification, walk-throughs and professional inspections to confirm condition and that any given property is satisfactory.

Present offers virtually using options that allow you to see your client face-to-face while also sharing a document so you can explain the offer. Web conferencing services have this capability.

New Listings for Sale or Rent:

When securing or attempting to secure a new listing, to the extent possible, use all electronic means possible to communicate with the seller, avoiding in-person meetings. This includes, but is not limited to an initial consultation, sending your marketing/listing packet electronically, getting the COVID-19 Questions for Buyers and Sellers signed via email, getting the listing agreement signed electronically, etc.

Discuss showing policies with the seller/landlord with regard to in-person vs. virtual showings and modify as needed per the CDC and governmental guidelines.

Properties Under Contract:

1. Florida Realtors released a new [contract extension addendum](#) that allows for time periods and dates to be extended as a result of the COVID-19 pandemic.

An extraordinary event, like an epidemic or government order, that could affect essential services necessary to close a transaction is sometimes addressed in a “force majeure” clause allowing a party to suspend or terminate performance when circumstances which the parties could not have anticipated, or which are beyond their control, make performance of the contract impossible or impracticable. Do not assume that Force Majeure will or will not affect any particular transaction since that determination will likely be transaction fact specific. Please contact your legal counsel for an opinion.

A more specific addendum addressing potential Coronavirus-related delays is a good idea. Many brokerages have recently released such an addendum for their agents and members to use in extending the closing date if necessary. These addenda address concerns such as: a lack of inspectors or appraisers; a party’s inability to travel to sign

documents; a party being subject to a mandatory quarantine; and closings of or delays in related government and business services such as closing of lenders and title/escrow companies. An addendum could also address the buyer's loss of income due to COVID-19 related circumstances, and what happens to the earnest money deposit should the parties ultimately agree to cancel the agreement.

2. It's not unreasonable for individuals to self-isolate in these unusual times due to their age or underlying health concerns. Every transaction and every purchase agreement is different. Buyers and sellers should consult legal counsel to determine their options for canceling and what penalties, if any, they could incur.

Alternatively, you could seek an extension of the buyer's due diligence period by a written addendum explaining the special circumstances. Check with your broker, or use the Florida Realtors COVID-19 Addendum that addresses common Coronavirus-related issues that may come up during a transaction.

3. The title professionals may be able to provide guidance and assurances as well, in terms of steps they're taking to protect the parties to a transaction during a closing. Florida adopted remote online notarization on January 1, 2020. Contact your lender and title professional to determine if remote online notarization is available for your transaction. In most instances the Realtor is not required to attend the closing in person, but should be available by phone or other communication during the closing. Refer to your title professional for their policy.

Leased Properties:

The Coronavirus pandemic is a genuine public health issue, and has resulted in a state of emergency at the national level. Numerous states and counties have similarly declared states of emergency. Be sure to follow any local or state emergency mandates regarding quarantines or sheltering in place. In addition, several jurisdictions across the country have suspended eviction and foreclosure proceedings.

If a tenant or anyone living in the property is under quarantine for COVID-19 illness or exposure to the Coronavirus, they should be allowed to remain in place for the duration of their quarantine, which is currently a 14-day period. If the lease agreement calls for penalties for failure to vacate the property, the landlord may exercise discretion in choosing to enforce it or not. The landlord and tenant could agree to additional 14 days' of rent, or however long the holdover is.

You may recommend that the landlord have the property professionally cleaned and disinfected following the [CDC's latest guidelines](#)(link is external) prior to the next tenant moving in.

Tenants in Place:

Please contact your legal counsel for advice on tenants in place with regard to showings, notices, evictions, etc. Utilize software and electronic means to avoid in-person contact with tenants or landlords whenever possible that allow for online rent payments, work orders, owner statements, etc.