

The Order of April 29, 2020 EFFECTIVE 11:59 pm May 3, 2020
Questions and Answers
(As of May 13, 2020)

The information contained herein does not constitute legal advice. Please check the County Orders and FAQs for any changes and updates

Always check with your broker before undertaking any activity related to the sale of property. If questions arise consult your broker, and with the broker's consent, legal counsel

What does the new Order allow with regard to real estate services?

The new Order provides in summary as follows:

1. Service Providers that enable real estate transactions are included in the excepted services
2. Service providers include real estate agents, escrow agents, notaries and title companies, (see below for additional information on service providers*)
3. Appointments and viewing are to occur virtually
4. If a virtual viewing is not feasible, viewings must be by appointment with no more than two people from the same household or living unit and one individual showing the unit.
5. Commercial real estate activities are permissible if performed within the rules of the Order.

Service providers also include inspectors, appraisers and photographers/videographers AND stagers.

Does the new Order allow for staging and stagers?

Yes

Can properties be viewed by a family of more than two people at the same time?

No. The Order allows only two people from the same household to accompany the agent during a showing.

Can brokers and agents conduct Live Open Houses or Broker Tours?

No. Marketing preview tours, caravans and other similar visits are not permitted.

When should the PEAD be signed?

According to C.A.R. and subject to the direction of your broker, the C.A.R. PEAD form, the latest of which is dated April 30, 2020, should be completed each time there is an entry into the property, irrespective as to whether it is occupied or vacant. It should be signed by all service providers, buyers, or anyone else entering the home; and it should also be signed by the seller for each entry.

Can a listing agent visit the property to conduct the visual inspection required by *California Civil Code, Section 2079*?

Yes. Because it is not feasible to complete the mandated visual inspection and completion of the Agent's portion of the Transfer Disclosure Statement, an agent may visit the property to complete the statutory requirements. The C.A.R. AVID Form is available for agents wishing to do this. Agents should consult with their brokers concerning the conducting of any inspections and use of the AVID Forms.

Can a buyer visit the property after the execution of a Purchase and Sale Agreement for the purpose of fulfilling the buyer's obligation to conduct inspections as allowed by *California Civil Code, Section 1102.6*?

Yes. In performing any such inspections, the agent must accompany the buyer to assure the health and sanitation protocols are followed.

What are the protocols for viewing a property?

1. Compliance with Social Distancing Requirements of Section 16.k of the Order
2. Following the directives of public agencies for sanitation and health, including avoiding the touching of surfaces and wiping any touched surfaces with disinfectants.
3. Following the directives of the Order issued April 17, 2020 pertaining face coverings
4. Follow the directions of your broker.

Can a listing agent schedule back to back appointments to show a listed property?

Yes, under certain conditions. Any person coming to view a property must have previously made arrangements through the appointment process referenced in the Order. Only two persons of the same household or living unit may be on the property at the same time. The viewing can be accomplished only if a virtual viewing is not feasible. Only one agent can be on the premises at a given time and the buyer's agent should access the property through a lockbox or other secure method. The listing agent and buyer's agent cannot be on the property at the same time.

What are the protocols for showing properties occupied by tenants?

The same protocols in effect for occupied properties apply to properties occupied by tenants. Tenants must not be present when properties they occupy are shown. The coordination of gaining access to a property occupied by a tenant is the responsibility of the seller and must be obtained in accordance with any applicable provisions of local laws and a written lease between the tenant and seller.

If furniture was staged before May 4, 2020 and the property sells, how can the stager retrieve their furniture?

Furniture may be removed by the stager at any time provided all protocols for sanitation and health are followed.

Can inspectors conduct home inspections?

Yes. As with any other viewing, all health and sanitary protocols must be followed.

Can appraisers conduct in-person appraisals?

Yes. If an appraisal is required in a pending transaction, an appraisal may be conducted subject adhering to social distancing guidelines established by the County. The appraisal should be conducted as expeditiously as possible. Sellers must vacate the property prior to the appraisal.

Can buyer's agent conduct "buyer walk-throughs" prior to closing?

Yes. If a walk-through is required in a pending transaction, a walk-through may be conducted, provided that it is by appointment, a total of no more than two people from the same household or living unit, and the agent are at the property at any one time, and they all adhere to social distancing guidelines established by the County. The walk-through should be conducted as expeditiously as possible. Sellers should vacate the property prior to the walk-through.

Can professional photographers take photos and create virtual tours during the effective period of the Order

Yes. Information concerning real estate services indicates that professional photography for listings is permitted. Like all other in-person activities, photos and virtual tours must be by appointment, a total of no more than one photographer may be at property at any one time, and the photographer must adhere to social distancing guidelines established by the County. Sellers must vacate the property prior to any photography activities.

How much time should a seller be gone from the property before a viewing and how much time needs to elapse before a seller returns to a residence after the viewing or service provider leaves?

There is no scientifically accepted measure, however, there should be sufficient time between the time the seller leaves and the viewer or service provider arrives. Likewise, after the viewer or service provider leaves, the seller should allow sufficient time before returning to the property.

Do listing agents need to remove lockboxes from Active listings?

No. Lockboxes may stay on Active listings, as previews and showings are permitted by appointment only, if a total of no more than two people residing in the same household or living unit and the agent are at the property at any one time, and they adhere to social distancing guidelines established by the County.

Can moving companies move buyers into a property and move sellers out of a property?

Yes. The new Order specially recognizes the role of movers in a real estate transaction. The same protocols and rules apply to movers. All moving work should be conducted with the fewest employees possible and follow social distancing and sanitation measures.

Can agents install for-sale signs at a property during the Order?

Yes. Agents are permitted to install for-sale signs, provided that the sign is installed adhering to social distancing guidelines established by the County.

Can my landscaper/arborist/gardener continue to maintain my yard?

Yes. Arborists, landscapers, gardeners, and similar service professionals can operate as outdoor businesses, as that term is defined in the new Order, but they must strictly comply with social distancing requirements.

Can home service workers continue to provide their services?

Home service workers can keep providing services in homes if they are essential to health, safety, sanitation, or the necessary operation of the home. This includes plumbers, electricians, exterminators, and other services needed to maintain a safe and sanitary home. Home construction and repair work is also allowed, as is home-based care for children, adults, seniors, and pets.

Can we bring in sanitizing and cleaning services to clean/disinfect homes?

Yes. Service providers that are necessary to maintain habitability, sanitation or operation of the residence are permissible under the new Order.

Where can I get more information?

The Order is available at <http://www.acphd.org/media/572718/health-officer-order-20-10-shelter-in-place-20200429.pdf>

If I see a violation what do I do?

Consult with your broker. The appropriate law enforcement agency is vested with the responsibility for enforcing the law. The Bridge Association of REALTORS® is not a law enforcement agency and cannot legally engage in any enforcement activities.