

GUIDANCE FOR BUSINESSES IN THE REAL ESTATE INDUSTRY PERMITTED TO OPERATE DURING THE COVID-19 DISASTER EMERGENCY TO ENSURE THE SAFETY AND HEALTH OF EMPLOYEES AND THE PUBLIC

PURPOSE

The virus that causes the Coronavirus 2019 Disease (“COVID-19”) is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to safeguard public health and safety.

COVID-19 can be transmitted from infected individuals even if they are asymptomatic or their symptoms are mild, such as a cough. It can also be spread by touching a surface or object that has the virus on it and then touching your mouth, nose or eyes. This guidance document addresses the procedures businesses in the real estate industry must follow to limit the spread of COVID-19 to the extent they are permitted to conduct in-person operations.

BUSINESSES SUBJECT TO THIS GUIDANCE

All businesses in the real estate industry, which includes real estate professionals, appraisers, notaries, title companies, settlement service providers, escrow officers, home inspectors, mortgage loan originators, processors, and underwriters, and other necessary office personnel including IT professionals, and back office staff necessary to maintain office operations, are permitted to conduct in-person operations for properties located in counties which have designated as being in the Red and Yellow phases, so long as they strictly adhere to the requirements of this guidance. In counties designated as in the Green Phase, businesses will no longer be required to follow this guidance, and will be subject only to general statewide guidance.

This guidance supersedes and replaces the Limited Guidance for Real Estate Professionals, Appraisers, Notaries, Title Companies, and Home Inspectors (as revised) issued by the Department of State on April 28, 2020.

No business is required to conduct in-person operations and should not do so if the business is unable to do so in accordance with all applicable guidance.

POLICY

It is the policy of the Administration to ensure that all businesses subject to this guidance conduct their operations in the manner best designed to prevent or mitigate the spread of COVID-19 and ensure the safety of their employees and the communities in which the businesses reside or serve. All businesses, even those that are authorized to maintain in-person operations, must minimize opportunities for personal interaction because such interactions provide greater opportunities for the transmission of COVID-19. Businesses must employ remote or virtual methods of doing business whenever and wherever possible.

PROTECTING EMPLOYEES AND THE PUBLIC

All businesses and employees in the real estate industry authorized to conduct in-person activities pursuant to this guidance must do the following:

- Follow all applicable provisions of the Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public, available [here](#), including, but not limited to, telework requirements, provisions requiring that every person present at a work site, business location, or property offered for sale, wear masks/face coverings, and provisions requiring the establishment of protocols for execution upon discovery that the business has been exposed to a person who is a probable or confirmed case of COVID-19.
- Utilize separate transportation to property showings and all other in-person activities.
- Schedule in-person office visits, property showings, appraisals, inspections, final walk-throughs, and title insurance activities by appointment and maintain records of all appointments, including contact information for all participants. Where possible, utilize unoccupied model homes for in-person showings.
- Limit in-person activities to no more than the real estate professional and two people inside a property at any time, exercising appropriate social distancing.
- When conducting settlements/closings utilize remote notary, powers of attorney (POA) or the exchange of contract documents electronically or by mail wherever possible. Where it is not possible to conduct settlement/ closing via remote notary or POA, attendance in-person must be limited to required signatories and their legal counsel or real estate professional only, and steps to preserve social distancing must be followed to the maximum extent possible. Advance copies of documents should be provided for review prior to the settlement date, wherever possible.
- In keeping with the Guidance for Businesses, where real estate businesses can conduct operations, including particularly office functions, by telework, they must do so.

All businesses and employees in the real estate industry authorized to conduct in-person activities pursuant to this guidance are encouraged to do the following:

- Minimize in-person activities, and minimize attendance to only the most critical individuals, while maintaining social distancing in all in-person interactions.
- Provide sellers with relevant up-to-date safety information and protocols for cleaning and sanitizing properties and discuss the benefits and risks of allowing in-person activities.
- Utilize electronic marketing as much as possible, including virtual tours, virtual showings and virtual open houses. Any marketing material, including brochures, flyers, business cards, etc. should be provided virtually or by mail where possible.
- Provide all individuals who will be present for in-person real estate activities with a verbal health screening prior to every in-person activity and do not allow in-person access to properties where the responses indicate actual or likely exposure.
- Stagger scheduling of property showings by thirty minutes or more.

- Avoid physical contact within the property by staging in advance to prevent the need for subsequent interaction with items such as lights, interior doors, drapes and blinds. Where physical contact is necessary, ensure that surfaces such as doorknobs, light switches, etc. are sanitized prior to the next showing or return of sellers.
- Minimize the time spent in the property by having discussions, including contract negotiations, with buyers away from the property or model homes via remote means (email, video conference, telephone, etc.) if possible. Model homes (and offices in model homes) may be open, but appointments with clients must be made in advance and all safety orders must be observed (including wearing masks on site).

All businesses and employees in the real estate industry authorized to conduct in-person activities pursuant to this guidance are prohibited from doing the following:

- Providing food during in-person activities;
- Conducting in-person group showings for either potential buyers or real estate professionals, including open houses, broker opens or office tours.

FURTHER GUIDANCE AND SUPPORT

Answers to frequently asked questions (FAQs) involving application of the business safety order are available [here](#).

Businesses that have questions about the following topics may email the following resource accounts:

- Appraisals: st-appraise@pa.gov
- Real Estate Professionals: ra-realestate@pa.gov
- Banking and lending issues: banking-eplo@pa.gov

Help is available for people who are struggling with their mental or emotional health or feeling anxious or overly stressed. Contact the Crisis Text Line by texting PA to 741-741.

The Administration recognizes the difficulty of procuring materials businesses need to safely resume operations. If assistance is needed to locate masks and other supplies to carry out these required safety procedures, please visit DCED's [Business2Business Interchange](#).

ENFORCEMENT

Failure to strictly adhere to the requirements of this guidance may result in disciplinary actions up to and including suspension of licensure.

Law enforcement officers should refer to Enforcement Guidance available online [here](#).

If employees or customers want to report possible health and safety violations in the workplace related to COVID-19:

1. File a complaint with a local health department or a law enforcement agency.
2. Submit this [webform](#) to the PA Department of Health at www.health.pa.gov.
3. File a complaint with the Department of State's Bureau of Occupational Licensure [here](#).
4. Review OSHA guidance and, if appropriate, [file a complaint](#) at OSHA.gov.

REMINDERS TO CONTAIN THE SPREAD OF COVID-19: SOCIAL DISTANCING AND OTHER REQUIREMENTS

When people need to leave their places of residence in connection with allowable individual activities, allowable essential travel, or by virtue of exemption from this policy, the Department of Health strongly encourages individuals to abide by the following social distancing requirements to:

- Maintain a distance of at least six feet from other individuals;
- Wash hands with soap and water for at least 20 seconds as frequently as possible, or use hand sanitizer if soap and water are not available;
- Cover coughs or sneezes with a sleeve or elbow, not hands; Do not shake hands;
- Regularly clean high-contact surface areas;
- When sick, stay at home;
- Do not gather in groups larger than 25 people, including for business meetings or events.

ADDITIONAL INFORMATION

For the most up-to-date, reliable information, please continue to refer to the Commonwealth of Pennsylvania's website for Responding to COVID-19 in Pennsylvania: <https://www.pa.gov/guides/responding-to-covid-19/>.