

## Practicing Real Estate in Green-Phase Counties

Governor Wolf announced that York & Adams Counties will be moving to the green-phase of re-opening on Friday, June 12<sup>th</sup>.

We know the big question for all of you is what are the differences in practicing real estate in the yellow-phase versus the green-phase?

All businesses in green-phase counties are now required to follow the rules established in the [Order of the Secretary of Health issued on April 15, 2020](#) .

### Here is what you need to know about practicing real estate in the green phase.

*The guidance below was repackaged from [PAR's Hank Lerner Director of Legal Policy two most recent Just Listed Articles](#) .*

- **Masks-** The real estate guidance says that “every person present at a work site, business location, or property offered for sale” must wear a mask/face covering. That’s going away. But the April 15 order that’s still in effect says that a business must “require all customers to wear masks while on premises, and deny entry to individuals not wearing masks.” So even though the words have changed, the underlying rule on masks stays the same – wear them.
- **Open houses.** Open houses are prohibited in yellow-phase counties. For green-phase counties, the rules say that “where feasible, businesses should conduct business with the public by appointment only,” and where it isn’t feasible, must limit the number of customers and enforce social distancing. Because the green-phase business guidance does not explicitly ban open houses, they are likely permitted (though PAR is still discussing this with the administration). But listing agents should be exceedingly cautious about operating open houses, unless you’re willing and able to enforce the general safety rules. For example, to ensure social distancing, it may be necessary to limit the number of consumers allowed in the property, and/or to establish a flow through the property to ensure that consumers don’t end up in the same place at the same time. Similarly, while there isn’t a specific requirement to maintain visitor contact information in green-phase counties, you should consider whether to more strongly enforce sign-in policies at open houses so you’re able to provide that information in the event it becomes necessary to do contract tracing. But if you **are** going to enforce getting legit names and contact information from consumers you should also be sure to provide those consumers with a more obvious opportunity to opt out of future contacts. It is not going to go over well if you require a phone number or email “for safety purposes,” but then abuse it for marketing.
- **Contact information for buyers.** PAR has secured clarification that so long as listing agents in **yellow-phase** counties have a record of all buyer agents who were at the property, it is reasonable for **buyer agents** to maintain the specific contact information for their buyers if that is necessary for later contact tracing. Or to put it another way, **the state is not requiring buyer agents to provide buyer contact information to listing agents**, so long as those buyer agents have the information and make it available if it becomes necessary. **There is no specific requirement to maintain contact information in green- phase counties...** but one might hope that a buyer agent is getting the correct name and contact information for **any** buyer they take through a property just as a basic business practice.
- **Three people on property.** The real estate guidance limits in-person activities to no more than three visitors – an agent and two others. In the green phase that’s going away, but the April 15 order includes provisions requiring businesses to “prohibit non-essential visitors from entering the premises of the business” and to generally limit the number of people in a

business location. So, while there will no longer be a specific cap of three visitors in a property, agents should do their best to limit any in-person activities to the absolute minimum number necessary.

- **Health screenings.** The real estate guidance document “encourages” agents to offer verbal health screenings to those who will be visiting a property. That’s going away, and there is nothing in the April 15 order regarding health screenings for customers.

All RAYAC members should read the [Order of the Secretary of Health issued on April 15, 2020](#) , for the rules that now apply. You’ll notice a lot that looks familiar, and a few things that are missing. The most important thing, though, is to use common sense in how you interpret this information. Just because you no longer *have* to do something, doesn’t mean it’s a bad idea to still do it anyway.