

Members of the Mendocino County Board of Supervisors, CEO Angelo & Dr. Doohan,

Thank you for your ongoing collaboration and support during the COVID-19 crisis. We are eager to play a positive role in post-pandemic recovery and look forward to collaborating with you. **As you may know, the Counties of Napa and Lake have both updated their Orders** to include structured in-person showings. Our industry **has been a leader in the early adoption of protocols, best practices, and legal tools** to safeguard clients, licensees, and the public during all phases of the transaction. Please see our **attached** letter for more information.

**Please consider alignment with our neighboring Counties and implement similar language in Mendocino County's Order. This modification would also align with Governor Newsom's existing statewide Executive Order.**

*&#61623**Napa**: In person visits are not allowed when the occupant is still residing in the residence **unless** gloves, cloth face coverings and shoe coverings are worn during the visit, there is no contact with staging items or personal property during the showing, and the seller or landlord cleans the property after the visit with products on the Environmental Protection Agency's approved list of disinfectants, paying attention to areas that may be commonly touched, such as door knobs, handles, counter tops, and staging items. (Counties may also require that owners be outside of the dwelling during the showing)*

*&#61623**Lake**: Real estate: virtual showings and dealings need to be the first line approach to real estate viewing and transactions. In order to limit possible exposure, no more than two visitors at a time representing the buyer and one individual showing the unit are allowed. The current residents of the unit should not be present. Cloth facial coverings must be used, and proper hand-washing and disinfection practices must be performed for in person showings.*

Thank you for your consideration. We will be sending the attached letter and reaching out to decision-makers and staff throughout our remaining counties soon. Please contact me with any questions or opportunities for engagement.

With respect and appreciation,  
Lisa

**Lisa Badenfort**  
Public Affairs Director  
North Bay Association of REALTORS®  
475 Aviation Blvd., Suite 220  
Santa Rosa, CA 95403  
[707-542-1579](tel:707-542-1579) office  
[707-636-4294](tel:707-636-4294) mobile  
[lisa@northbayrealtors.org](mailto:lisa@northbayrealtors.org)



#### OUR MISSION

Protect private property rights  
Promote the value of REALTORS®  
Provide members tools for success

]



North Bay Association of REALTORS®  
475 Aviation Blvd., Suite 220 | Santa Rosa, CA 95403  
(707) 542-1579 | northbayrealtors.org

DATE: April 22, 2020  
TO: Mendocino County Board of Supervisors, Public Health Officer & County Counsel  
RE: Real Estate Industry & Reopening

On behalf of the North Bay Association of REALTORS®, thank you for your leadership and attention to the issues affecting Mendocino County during the COVID-19 pandemic. The North Bay once again faces innumerable hardships, many of which could have a lasting impact for years to come. As you develop methods for reopening, we urge you to employ data driven methods, to communicate with industry representatives, and to incorporate expertise.

**The County of Napa has amended their Shelter at Home Order to allow in-person visits. Please consider continuing to align with our neighboring North Coast Counties:**

*Section 13.f.x. Essential Business includes service providers that enable residential transactions (including rentals, leases, and home sales), including but not limited to real estate agents, escrow agents, notaries, and title companies. Residential viewings should occur virtually as much as possible. In person residential viewings shall be by appointment only, with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit. **In person visits are not allowed when the occupant is still residing in the residence unless gloves, cloth face coverings and shoe coverings are worn during the visit, there is no contact with staging items or personal property during the showing, and the seller or landlord cleans the property after the visit with products on the [Environmental Protection Agency's approved list of disinfectants](#), paying attention to areas that may be commonly touched, such as door knobs, handles, counter tops, and staging items.***

- **Please continue to include commercial. The same commitments, impacts and protocols are in place.**
- **Counties may also require that owners be outside of the dwelling during the showing**

Our industry has been a leader in the early adoption of protocols, best practices, and legal tools to safeguard clients, licensees, and the public during transactions. Please remember that hindering buyers and sellers from completing transactions can leave some in serious financial hardship and/or without adequate housing. Restoring the real estate industry is key to restoring our local economy. Here are some examples of our protocols and engagement:

- **[Industry-wide protocols and best practices \(updated\)](#)**
- Legal forms, agreements, materials (contracts, listings, entering property, lease and purchase agreements, property/rental housing management, and more)
- Legal hotline open to all members for guidance
- Resources and FAQs for agents, brokers, and rental housing providers
- Resources/updates on policy changes, financial relief/benefits, rental housing mandates, etc.

Thank you for your consideration. We are eager to play a positive role in post-pandemic recovery and look forward to collaborating with you. **Please contact Lisa Badenfort, Public Affairs Director, with questions or opportunities for engagement at (707) 636-4294 or [lisa@northbayrealtors.org](mailto:lisa@northbayrealtors.org).**

Respectfully,

Carol A. Lexa, President

Enclosures:

CAR Guidelines for Real Estate Best Practices During COVID-19

Napa County Order of the Health Officer No. 20-03 (updated April 22, 2020)

*The North Bay Association of REALTORS® is a four-county trade association representing over 3,600 real estate professionals and industry affiliates. We serve as an advocate for housing and homeownership, the preservation of property rights, and the creation of a thriving local economy. In addition to mission-driven advocacy, we serve as a collaborator and resource to decision-makers and the public on shared quality of life issues facing the North Bay.*

# Guidelines for Real Estate Best Practices During COVID-19

Updated on March 31, 2020

The CALIFORNIA ASSOCIATION OF REALTORS® offers these Best Practices Guidelines to assist you in the safe practice of real estate. Following these guidelines will enable REALTORS® to demonstrate care for the health and well-being of clients, colleagues and the greater public welfare in reducing the risk of exposure to, and spread of, COVID-19, while providing the essential services of residential and commercial real estate recognized by the Department of Homeland Security as being necessary for the maintenance of America's Critical Infrastructure.

**Best Practices 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 utilize any showcasing or other marketing features available through one's MLS system to highlight the property.
- 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. Keep in mind that MLS rules generally require agents to have obtained seller's permission for client to enter without the agent being physically present.
- 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.

To assist you, C.A.R. has released two new forms: One is a Listing Agreement Coronavirus Addendum or Amendment (RLA-CAA) for sellers and listing agents to sign, and the other is a Property Viewing Advisory and Declaration (PEAD) that is to be given to and signed by the seller, buyer, agents and anyone else who will be entering a property. [You can find both forms here.](#)

### **Marketing activities**

- Taking photography using a video-based system. Keep in mind that the usual copyright considerations governing photographic images still apply.
- 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.

- iii. Any form of cultivation of products for personal consumption or use, including farming, ranching, livestock, and fishing, and associated activities including but not limited to activities or businesses associated with planting, growing, harvesting, processing, cooling, storing, packaging, and transporting such products, or the wholesale or retail sale of such products, provided that, to the extent possible, such businesses comply with Social Distancing Requirements set forth in this Order and otherwise provide for the health and safety of their employees;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction), including but not limited to surveyors and workers conducting site investigations, in compliance with the Construction Site Requirements set forth in Appendix B of this Order. Construction or repair of a business shall be subject to maximum compliance with Social Distancing Requirements set forth in this Order and any industry-specific guidance issued by the Health Officer related to COVID-19, and shall be subject to enforcement by the approving city, town, or County, as well as by the Health Officer. The city, town, or County with land use jurisdiction shall maintain and owners/contractors shall post on site a confidential telephone number for receiving and investigating complaints of noncompliance with this subsection;
- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, auto-repair and automotive dealerships (including but not limited to for cars, trucks, motorcycles and motorized scooters);
- viii. Bicycle repair and supply shops;
- ix. Banks and related financial institutions;
- x. Service providers that enable residential transactions (including rentals, leases, and home sales), including but not limited to real estate agents, escrow agents, notaries, and title companies. Residential viewings should occur virtually as much as possible. In person residential viewings shall be by appointment only, with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit. In person visits are not allowed when the occupant is still residing in the residence unless gloves, cloth face coverings and shoe coverings are worn during the visit, there is no contact with staging items or personal property during the showing, and the seller or landlord cleans the property after the visit with products on the Environmental Protection Agency's approved list of disinfectants, paying attention to any areas that may be commonly touched, such as door knobs, handles, counter tops, and staging items;
- xi. Hardware stores;
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses, but not for cosmetic or other purposes;
- xiii. Arborists, landscapers, gardeners, and similar service professionals, but only to the extent necessary to maintain the habitability, sanitation, maintenance, operation of businesses or residences, or the safety of residents, employees, or the