



SAN FRANCISCO ASSOCIATION of REALTORS®

April 1, 2020

Dear Member,

On March 31, 2020, Mayor London Breed released a new shelter-in-place order for the City and County of San Francisco. This order emphasizes the growing and evolving danger of the COVID-19 pandemic, and provides new dates, restrictions, and regulations for all industries, including real estate.

Regardless of the shelter-in-place orders released by federal, state, and local governments, the San Francisco Association of REALTORS® guidance published on March 30, 2020 remains:

- 1. No traditional, in-person open houses or tours**
- 2. All showings should be conducted virtually**

Overall, our position is that all real estate activities should be conducted virtually, if and when possible.

Our Association's first priority continues to be the safety of our members, clients, and community.

Thank you,
Marc Dickow, President
Walt Baczkowski, CEO

San Francisco's shelter-in-place order of March 31, 2020 provides further restrictions and guidelines for REALTORS®:

- 1) The order extends the shelter-in-place restrictions to May 3, 2020.
- 2) The order defines real estate agents as “essential businesses”, but places the following restrictions on real estate activity:
 - a) Appointments and other residential viewings must only occur virtually;
 - b) Or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit; and
 - c) In-person visits are never allowed when the occupant is still residing in the residence.

You can find San Francisco's full shelter-in-place order from March 31, 2020 here: <https://www.sfdph.org/dph/alerts/files/HealthOfficerOrder-C19-07b-ShelterInPlace-03312020.pdf>

In addition, the new shelter-in-place order mandates that all essential businesses prepare and distribute a “Social Distancing Protocol” before April 3, 2020.

It is strongly recommended that all brokers and independent agents develop their “Social Distancing Protocol” as soon as possible. The guidelines for the Social Distancing Protocol can be found in Appendix A of the [shelter-in-place order](#).

For condos or residential units that belong to an HOA, please also refer to your HOA rules and regulations for guidance and further restrictions.

The Association provides the following Q&As based upon the Mayor's shelter-in-place order with the understanding that nothing below changes SFAR's guidelines as stated above: (1) No traditional, in-person open houses or tours and (2) All showings should be conducted virtually. Overall, all real estate activities should be conducted virtually, if and when possible.

The Q&As below also recognize the shelter-in-place order sets a mere minimum standard that could be changed and made more restrictive by Mayor Breed (or Governor Newsom) with little or no notice.

May I send/accompany an inspector to a unit?

San Francisco has not released specific guidance regarding inspectors at this time. The shelter-in-place order does indicate, however, that if an inspector is visiting an uninhabited unit, following social distancing/sanitary guidelines, and is limited to two (2) visitors at a time in a single unit and one (1) individual showing the unit, then such inspection will be allowed.

But see the current “Best Practices” guidelines from the California Association of REALTOR® (CAR) at <https://www.carcovidupdates.org/best-practices-guidelines>, including, without limitation:

“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”.

The declaration referenced above is further discussed in CAR’s guidelines as follows:

“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.”

SFAR recommends against accompanying inspectors in-person.

Does this mean I can let an appraiser into the house? May my buyers come to the property for the inspections? May the buyers perform their walk-through verification?

Same recommendations as for inspectors. Further per CAR's guidelines:

"[B]uyers 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)...must be advised of their responsibilities pertaining to COVID-19 protocols regarding social distancing and other CDC guidelines."

May I send/accompany a workman to perform requisite point-of-sale inspections and upgrades? (i.e. smoke detectors and carbon monoxide detectors/water heater/tank/energy and water)

San Francisco's shelter-in-place order provides: Hardware stores, and plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety and sanitation" are considered essential business.

The same recommendations as to CAR and by SFAR as above for inspectors otherwise apply.

Can I perform my Agent Visual Inspection Disclosure (AVID)?

San Francisco's shelter-in-place order indicates agents may enter an uninhabited unit, such as to conduct an AVID visual inspection, following social distancing/sanitary guidelines, limited to two visitors at a time in a single unit and one individual showing the unit.

CAR's "Best Practices" as noted above otherwise apply.

Can I accompany the Buyers to perform their final walkthrough verification of the property condition?

San Francisco's shelter-in-place order indicates agents are allowed to accompany Buyers to perform their final walkthrough verification of the property condition, as long as such visit is limited to two visitors at a time in a single unit and one individual

showing the unit. Visitors must follow social distancing/sanitary guidelines and the unit must be uninhabited.

Again, per CAR:

"[B]uyers 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)...must be advised of their responsibilities pertaining to COVID-19 protocols regarding social distancing and other CDC guidelines."

For any questions, it is strongly recommended you consult your broker/manager or legal counsel. The above is general information and may not be applicable to every specific property or situation.