



## FREQUENTLY ASKED QUESTIONS RELATED TO REAL ESTATE SERVICES AND PHASE 2

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**Question: What if my parish has requirements for Phase 2 that are different from the state's order? Which requirements do I have to follow?**

**Answer:** The general rule is that the **most restrictive terms of either the state or local orders apply** since local governments can implement stricter rules without state approval. If the city or parish's order is more restrictive than the state order, follow the city or parish order.

**Question: Do I need to register my business/brokerage with the state?**

**Answer:** It is **recommended** that all businesses register at [opensafely.la.gov](https://opensafely.la.gov) to receive industry-specific information on safely reopening.

Orleans Parish: All businesses, including real estate offices, in Orleans Parish are **required** to register at [opensafely.la.gov](https://opensafely.la.gov).

**Question: What are the Phase 2 rules that apply to my brokerage/real estate office?**

**Answer:** Per the Governor's Order (PROCLAMATION NUMBER 74 JBE 2020, Section 2), the following applies to brokerage/real estate offices:

1. All businesses and organizations shall require that any owner or employee having interaction or contact with the public shall wear a mask or a face covering.
2. All individuals should avoid groups of any size that do not allow for moderate social distancing.
3. All individuals are strongly encouraged to wear masks or face coverings at all times if interacting with other members of the public outside of household family members, stay home and isolated if experiencing any COVID-19-like symptoms, wash hands frequently, and maintain moderate social distancing.
4. Any business remaining closed under Subsection (E)(I) above may submit a reopening plan with specific proposals for occupancy and sanitization to the State Fire Marshal. The State Fire Marshal is authorized to approve a reopening plan and allow for reopening or may provide guidance necessary for a reopening in Phase 3. The State Fire Marshal shall further consult with the Louisiana Department of Health in reviewing any reopening plan. No occupancy limits authorized by the State Fire Marshal under this Subsection may exceed 50% occupancy.

**Question: The Governor's order refers to employers and employees. Does this still apply to a Broker/Agent that is an independent contractor?**

Answer: Yes. For purposes of the Governor's order, all Brokerage firms have the same obligations for their agents (independent contractors) as they would have for employees.

**Question: Are masks or face coverings required for showings, open houses, or interactions with clients?**

Answer: **Yes!** According to both the Governor's Order (PROCLAMATION NUMBER 74 JBE 2020, Section 2, Item C), and the City of New Orleans, **face masks are required** when interacting with the public.

*Per the Governor: All businesses and organizations shall require that any owner or employee having interaction or contact with the public shall wear a mask or a face covering.*

**Question: Can Buyer's Agents shuttle buyers around to showings in their car?**

Answer: Due to the social distancing requirement of the Phase 2 Executive Order, buyers and Agents should each make separate travel arrangements and should remain at least six feet away from each other at all times.

**Question: Who must inquire as to whether any occupant in a property is symptomatic for COVID-19 or have been in contact with known positive cases?**

Answer: The Seller's Agent should be the one asking the occupants if anyone is symptomatic or has been in contact with known positive cases of COVID-19. If the answer is yes, the Seller's Agent must, at a minimum, disclose the occupant's condition to any prospective Buyer's Agent or buyers. However, if there are people with symptoms on the property, Seller's Agents are encouraged to delist the property and deny showing requests. Buyer's Agents should be advising all buyers to assume the sellers or buyers from previous showings are COVID-19 positive and should take all necessary precautions.

**Question: Should the Buyer's Agent ask the buyer if they have symptoms or have come into contact with known positive cases of COVID-19?**

Answer: Best practice is for Buyer's Agents to ask buyers they are working with if they have symptoms or have come into contact with known positive cases of COVID-19. If the answer is yes, at a minimum, the Buyer's Agent should tell Seller's Agents prior to scheduling a showing. The Seller may deny showings.

**Question: Is it ok to have more than one potential buyer in the property at a time for a showing or open house?**

Answer: We discourage doing so. In order to prevent unnecessary contact, showings should be limited to only one buyer group (meaning a group of individuals from a currently shared household) at a time.

**Question: Is there a limit to the number of buyers I can show the property to if they are all in the same household?**

Answer: Under the Governor's order, gatherings are limited to groups of a size that can adhere to strict social distancing (Section 2, Item B). The City of New Orleans requires groups to be limited to a household size. However, we STRONGLY encourage Buyer's Agents to limit the number of buyers they show the property to prior to executing a contract to only those buyers that will be signing a contract. Additionally, sellers may impose other restrictions such as requiring buyers to be pre-qualified, limiting the number of buyers in the property or prohibiting showings until a contract is executed by both buyer and seller.

**Question: Are there best practices for what a seller can do to protect themselves while allowing showings, open houses, or broker tours?**

Answer: **Yes.** Have a wash place with antibacterial soap or a sanitation station for buyers to wash/sanitize their hands upon entering and exiting the property. Sellers should turn on all lights and open all doors prior to any showing. Open any cabinets, window coverings or anything else that Seller's Agent may think appropriate to minimize the amount of touching needed by the Buyer's Agent or the buyers. Sellers should also clean and disinfect the property, in particular all high-traffic areas such as countertops, doorknobs or light switches after each showing.

**Question: Does the occupant need to leave the property for showings?**

Answer: **No.** Occupants are permitted to remain in the property during all showings. However, occupants should wear masks and gloves and maintain six feet of distance from everyone while other people are in the property.

**Question: Are there best practices for what a buyer can do to protect themselves while visiting properties?**

Answer: **Yes.** Buyers should wear masks at all times while visiting a property, and gloves are recommended. Buyers should wash and sanitize hands both at the beginning and end of seeing a property and minimize the number of people the buyer brings to see the property.

**Question: Does a buyer have to see the property before they can make an offer?**

Answer: **No.** All buyers, especially high-risk individuals, should be encouraged to do as much research finding a property as they can virtually. This might include getting a contract signed by both buyer and seller prior to the buyer ever seeing the property. In these cases, the buyer may want to consider adding a contingency to the contract that the contract is contingent upon the buyer viewing and approving the property after the contract is signed.

**Question: Does the seller have to allow showings?**

Answer: **No.** Seller's Agents should explain to all sellers, especially high-risk individuals, their options for selling their property without allowing or with minimizing showings. This might include asking for pre-qualifications of buyers before allowing them to see the property or requiring buyers to make an acceptable offer that is signed by the seller before allowing anyone into the property.

**Question: How do Phase 2 guidelines apply to open houses and broker tours?**

Answer: Per the Governor's Order, the following applies to open houses and broker tours:

1. All agents shall maintain 6-foot social distancing to the extent possible between themselves and other agents or members of the public.
2. All agents shall wear face coverings at all times when interacting with other agents or members of the public.
3. Congregating is not allowed. Agents or members of the public who wish to view a house should be required to wait outside, while maintaining social distancing, or wait in vehicles until they are allowed to enter and maintain social distancing.

*Best practice: Agents shall not attend broker tours if they are experiencing symptoms or have come into contact with known positive cases of COVID-19.*

**Question: Can a buyer still sign a contract or deliver earnest money in person?**

Answer: While clients can still sign contracts or deliver earnest money in person, Brokerage firms are required to take measures to reduce or negate the need for paper and attempt to provide contactless payment options.

**Question: Can an Agent still attend listing appointments in person?**

Answer: **Yes.** However, Agents are required to wear masks when interacting with the public, and to follow strict social distancing requirements. We strongly encourage Agents to perform as many of their job duties remotely or virtually as possible.