



DATE: June 11, 2020

TO: Minnesota Realtor® Members

FROM: Christopher Galler, CEO
Susan Dioury, Sr. Vice President and Legal Counsel

RE: **EXECUTIVE ORDER 20-74: CRITICAL SECTOR WORKERS
REQUIREMENT TO ADOPT PREPAREDNESS PLAN**

When the peacetime emergency and stay-at-home orders were originally implemented, Governor Walz deemed that facilitating real estate transactions is critical sector work. This category is limited to workers who facilitate and finance real estate transactions and real estate services, including appraisers and title services.

On Friday, June 5th, Governor Walz issued his latest Executive Order (EO 20-74) which allows businesses whose workers qualified for a Critical Sector exemption to continue operating in the same manner provided in EO 20-48. Following is a summary of the key components of the obligations under EO 20-48:

All workers and personnel facilitating and financing real estate transactions are exempt from the prohibition to Stay at Home **if** they cannot do **telework or virtual work** at their home or residence and/or perform work that **can only be done** outside their home or residence.

Under EO 20-48, critical workers must follow these restrictions and requirements:

1. **Travel Restriction:** Critical worker exemptions apply **ONLY** to travel to and from an individual's home or residence and place of work. (This includes driving to and from daycare or school.)
2. **Cannot Be Done at Home:** They also apply **ONLY** when an individual's performance of work duties **CANNOT** be done at their homes or residence;
3. **Must Follow Guidelines:** Any facilitation of real estate transactions must be done to the maximum extent possible, in a manner that adheres to the [MN Occupational Safety and Health Standards](#) and the MN Department of Health ("[MDH Guidelines](#)") and [CDC Guidelines](#) related to COVID-19.

NEW ADDITIONAL REQUIREMENTS: EO-74 **requires all Critical Businesses to develop and implement a COVID-19 Preparedness Plan (PP) by June 29, 2020.** The PP must comply with the requirements in EO-74 as well as with industry guidance currently posted to the [Stay Safe Minnesota](#) website (<https://staysafe.mn.gov>) and any additional applicable industry guidance that will be posted to this web site on or before June 15, 2020.

For state licensed Critical Business, state agencies were directed by Governor Walz to develop guidance and template addendum plans that address unique risks and hazards of COVID-19 for their operations no later than June 15th.

We encourage you to begin preparing your PP as soon as possible and monitor the [Stay Safe Minnesota](#) website for posting of any real estate specific guidance.

PREPAREDNESS PLAN CONTENT:

Each PP must, at a minimum, adequately address the following areas:

1. **Require work from home whenever possible.** The PP must ensure that all workers who can work from home continue to do so.
2. **Ensure that sick workers stay home.** The PP must establish policies and procedures, including health screenings, that prevent sick workers from entering the workplace.
3. **Social distancing.** The PP must establish social distancing policies and procedures.
4. **Worker hygiene and source control.** The PP must establish hygiene and source control policies for workers.
5. **Cleaning, disinfection, and ventilation protocols.** The PP must establish cleaning, disinfection, and ventilation protocols for areas within the workplace.

At this time, you may want to review the provisions of DEED's [general guidance for all businesses](#) to get a head start on your PP. Note however that this guidance is drafted toward non-critical sector businesses in the work setting. DEED and DLI are required to publish additional industry guidance for Critical Businesses no later than June 15th.

Facilitating real estate transactions is unique because you will also be a “customer-facing business” (i.e. businesses that have in-person customer interactions). This will likely require that you adopt additional PP provisions to keep the public and workers safe. You may want to review the [applicable guidance](#) for customer-facing businesses to determine what provisions apply to your business when offering showings or open houses. Minimally, this will likely require that you develop a PP including requirements to:

- Maintain social distancing of six feet, and impose occupancy limits
- Provide regimen for enhanced sanitizing, cleaning, and disinfecting consistent with OSHA, MDH, and CDC Guidelines for common areas
- Include signage in common areas to discourage congregating

A compliant PP must be adopted and implemented no later than June 29, 2020.

Although you don't have to submit your PP to any government entity for approval, you need to make it available upon request.

Minnesota Realtors® will provide updates as they are posted.