

COVID-19 AND THE LAW

How well equipped are you for the pandemic's legal hot zone?
Take the quiz and find out!

Doing business during the COVID-19 emergency comes with a host of rules, restrictions and guidelines. Whether you think you've got them all down cold, or are still struggling to keep pace, this quiz will help you see where you stack up.

TRUE OR FALSE?

1



Prospective buyers are now legally required to fill out health-status and travel questionnaires in order to view a property through a showing.

2



It is recommended that all Realtors® and their clients must wear face masks during showings.

3



While touring a home, it is prudent to avoid having clients flip light switches on and off, touch doorknobs, test appliances, and move freely without restrictions.

4



If a client contracts COVID-19 after participating in showings that you have arranged, it's unlikely you will be liable for them becoming ill.

5



Realtors® who work while sick, hold open houses, and fail to observe social distancing standards may or may not be in violation of the National Association of Realtors®' Code of Ethics (even though they may be in violation of other laws or regulations).

See the next page for answer and details!

Quiz Results: True or False?

1

Prospective buyers are now legally required to fill out health-status and travel questionnaires.

FALSE

There is no state or federal law requiring buyers to answer questions about their health or travels in order to view a property for sale. On the other hand, you as a broker are not prohibited from asking. However, if you choose to use such questionnaires, you should consider asking all prospective buyers the same questions to ensure Fair Housing laws are not violated. You should also determine how you handle rejections based on answers and do this consistently.

Ultimately, a questionnaire is not an effective way to identify those with COVID-19. Many people who are potentially contagious have no signs or symptoms. And by gathering sensitive health and travel information about individuals, you assume responsibility for protecting and permanently disposing of it. So, if you still want to use a health-status questionnaire, consider speaking with your legal counsel about all the pros and cons.

Consider these alternative measures to prohibit ill persons from entering the property:

- Adopting the **MDH health screening checklist**; or
- Posting a version of the MDH **Stop! Help Protect our Residents** posters asking ill people not to visit; or
- Utilizing the **MN Symptom Screener** or **Self-Screen Tool**

2

Under Governor Walz's Peacetime Emergency, all Realtors® and their clients must wear face masks during showings.

TRUE

The CDC recommends wearing cloth face coverings in public settings where social distancing is difficult to maintain. However, a seller can make it a criterion for allowing a showing. You should discuss all current safety options with your clients and make them aware of alternatives like virtual showings.

3

While touring a home, clients should not be allowed to flip light switches on and off, touch doorknobs, test appliances, and move freely without restrictions.

TRUE

As a best practice during the pandemic, Realtors® should ask their clients and customers not to touch anything in the homes they tour. While you are with them, be sure to observe social distancing and make sure everyone stays six feet apart during the showing. Consider using disposable gloves while opening doors, flipping light switches, touching appliances, etc. Be sure to safely dispose of the gloves after leaving the home. You should also thoroughly wash your hands or use hand sanitizer before and after each showing.

4

If a client contracts COVID-19 after participating in showings that you have arranged, you are likely not liable for them becoming ill.

TRUE

It would be very difficult for a client to prove that they contracted COVID-19 after a showing and subsequently fault the broker. To avoid misunderstandings about risk, it's important to educate clients about the pros and cons of onsite walkthroughs and face-to-face meetings versus virtual alternatives. That way, they can make fully informed and responsible decisions for themselves.

5

Realtors® who work while sick, hold open houses, and fail to observe social distancing standards may or may not be penalized under the National Association of Realtors' Code of Ethics.

TRUE

The Code of Ethics has no articles or standards of practice that directly apply to best practices or conduct during a global pandemic. However, it is possible that an Article could be violated in a way that is in conjunction with the Code of Ethics. Please see NAR's article, **COVID-19 and the Code**. The advice provided by state, local, and national associations urges Realtors® to follow guidelines from the Centers for Disease Control and the Minnesota Department of Health. This includes self-isolating if you are ill.