



TO: Minnesota Realtor® Members
FROM: Christopher Galler, CEO & Susan Dioury, esq. Legal Counsel & Sr. Vice President
RE: **OPEN HOUSE CONSIDERATIONS DURING COVID-19**
DATE: May 18th, 2020

Thank you for following the guidelines issued during the initial COVID-19 Stay at Home orders. We understand this has been a stress-filled period. Our focus has been on working with the executive and legislative branches to provide you and your clients the ability to safely facilitate real estate transactions during Governor Walz's Orders to stay at home.

On May 13th, Governor Walz indicated that he will be ending the "Stay at Home" order ([EO 20-48](#)) for Minnesotans. Many members assumed, incorrectly, that this meant it was back to business as usual regarding open houses and other business activities. However, the Governor's new order ([EO 20-56](#)) states that businesses whose workers qualified for a Critical Sector exemption in [EO 20-48](#) may continue to operate in the same manner as provided in order 20-48. We wish the world could take a step backwards and return to the pre-COVID days, but that is not realistic. 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 [Minnesota Department of Health \(MDH\) Guidelines](#) and [CDC Guidelines](#) related to COVID-19.

Governor Walz's new order does however expand the ability for customer facing businesses (i.e. businesses that have in-person customer interactions) to do business so long as they include additional plan provisions to keep the public and workers safe. There are no direct government guidelines provided for real estate practitioners that intend to have general customer facing business interactions like open houses. Thus, you will need to infer what provisions of DEED's Plan Guidance may apply to your business practice in the event you and your client determine that a customer facing open house is necessary to facilitate a real estate transaction at this time.

Members conduct a wide variety of open houses. Some homes are new construction without furniture or floor coverings. Other properties are the home of older Minnesotans or those with immune deficiency issues. Some are multi-family homes with a full range of residents and circumstances. Individual properties will require different COVID-19 precautions.

We understand that plans are extremely important for you in providing direction to your associates on how to work and keep safe. In this document we are providing you with issues to consider based on the guidance offered from the [Department of Employment and Economic Development \(DEED\)](#), Centers for Disease Control and Prevention (CDC), and Minnesota Department of Health (MDH) COVID-19 guidelines.

Because this virus is new, scientists and doctors are finding out more and more everyday about transmittal and infection protocols. We strongly urge you to remain vigilant and routinely refer to the [OSHA, MDH, CDC, and DEED Guidelines](#) related to COVID-19 for revised updates. In summary, you should consider adopting a plan that incorporates site-specific best practices surrounding health and wellness, social distancing, cleaning, sanitation and protection, and operations and communications with your sales associates, clients, and visitors in mind.

Thank you for your support and your commitment to keeping Minnesotans safe.

OPEN HOUSE CONSIDERATIONS

Please consider adopting a plan that incorporates site-specific best practices surrounding health and wellness, social distancing, cleaning, sanitation and protection, and operations and communications with your sales associates, clients, and visitors in mind. Following are more specific items for your consideration.

Health

- Consider adopting company protocols for sales associates or office staff who are ill or have come in contact with someone who has tested positive for COVID-19 before they commence an open house or showing. Per the [Minnesota Department of Health](#) all persons who are sick should stay home.
- Consider [OSHA](#) safety protocols for workers when they will be meeting with the public.
- Consult with your seller clients about whether and how consumers will enter their property during the listing and marketing of the property.
- Outline steps to minimize spread of the virus and comply with health and safety requirements before offering showings or open houses and during and after an open house or showing including:
 - **Protecting Vulnerable Populations:** The CDC recommends that people who are in this category for a higher risk of severe illness should stay home and away from other people as much as possible.
 - Older Adults (65+)
 - People living in long-term care facilities
 - People with Asthma
 - People with HIV
 - People at High Risk of Severe Illness
 - **Hand Hygiene:** Consider the following:
 - Requiring workers and customers to wash or sanitize hands prior to entry and after exiting the property.
 - Providing hand washing stations or 60% alcohol-based hand sanitizer for use prior to entering and after exiting the property.
 - Posting [hand hygiene posters](#)
 - **Respiratory Etiquette:** Consider the following:
 - Requiring cloth face mask coverings for persons entering the property. The CDC now recommends wearing simple cloth face coverings in public settings where other social distancing measures are difficult to maintain.
 - Providing tissues and receptacles for immediate disposal.
 - Posting [respiratory etiquette posters](#)
 - Limiting the amount of time allowed in the property

Consider measures to prohibit ill persons from entering the property such as:

- adopting the [Minnesota Department of 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](#)

Social Distancing

- Evaluate the property space for access and regulate visitor movement within the property maintaining at least six (6) feet of separation.
 - You will need to ensure that workers and customers engage in social distancing.
 - Do not allow workers and customers to congregate in rooms that don't allow social distancing.
 - Do not allow gatherings of 10 or more persons.

- Create and follow a business plan for social distancing within the home.
 - Consider adjusting the flow through the property such as limited or one-way movement through hallways, bedrooms or other tight spaces where appropriate distancing may be difficult.
 - Change configurations in the home if needed to adjust the flow to accommodate social distancing
 - Consider the use of signs or other customer communication measures to control building access and regulate customer movement.
- Consider ways to make interactions between customers and associates as contactless as reasonably possible.
 - Consider requesting the seller open insider doors and turn on lights so visitors will not need to.

Cleaning and Disinfecting

- Consult with your client before using any cleaning products and recommend that your client disinfect their home before and after the open house, especially commonly touched areas like doorknobs and faucet handles.
- There may be cleaning and disinfecting requirements in MN if holding an open house to the general public. Work with your seller client to follow [CDC](#) and [Minnesota Department of Health](#) guidance on maintaining regular cleaning and frequent high touch disinfecting .
- Consider prohibiting visitors' use of the home's bathroom or other facilities and adopt cleaning and disinfecting protocols if they are utilized.