



Open House Guidance

Excerpt from PAR's COVID-19 FAQs - Transaction FAQs

Can I still hold open house events?

(rev 6/05) In yellow-phase counties, no. The [Real Estate Industry Guidance](#) issued on May 19 prohibits any "in-person group showings for either potential buyers or real estate professionals, including open houses, broker opens or office tours." If a potential buyer is may be interested in an initial look at a property it would be more appropriate to utilize a [virtual tour or virtual showing](#).

In green-phase counties...technically yes, but they may be difficult to do in compliance with the rules. The green-phase [General Business Guidance](#) says that "where feasible, businesses should conduct business with the public by appointment only," and where it isn't feasible, businesses must limit the number of customers and enforce social distancing. So, listing agents should be exceedingly cautious about operating open houses, unless they are willing and able to enforce the general safety rules.

For example, to ensure social distancing, it may be necessary to limit the number of consumers allowed in the property, and/or to establish a flow through the property to ensure that consumers don't end up in the same place at the same time. Depending on the size, layout and desirability of a property, it could take two to three agents to ensure that this is done well (remember that the state Real Estate Commission has indicated an open house can only be operated by a licensee).

Similarly, while there isn't a specific requirement to maintain visitor contact information in green-phase counties, agents should consider whether to more strongly enforce sign-in policies at open houses so they are able to provide that information in the event it becomes necessary to do contract tracing. But if agents will be enforcing a policy to get legitimate names and contact information from consumers, be sure to provide those consumers with a more obvious opportunity to opt out of future contacts. It is not going to go over well if you require a phone number or email "for safety purposes," but then abuse it for marketing.

My client is demanding that I arrange a showing under terms that would violate state requirements. Am I legally or contractually obligated to do so?

(rev. 6/05) No. While it is true that a listing broker or buyer broker has a fiduciary responsibility to work in the best interests of his or her client, a client does not have any authority to dictate actions that may be illegal or unsafe. For example, you would not be obligated to obey a client directive to lie, even if the client believed it to be in their best interests.

While a client could request/demand conditions that are **more** restrictive than those contained in the relevant state rules, they could not implement or make you follow conditions that are less restrictive and therefore in violation of the state orders.

How many people can be in a property for a showing, inspection, etc.?

(rev. 6/05) Under yellow-phase Real Estate Industry Guidance, in-person activities are limited to "no more than the real estate professional and two people" inside a property.

In this context, one person is...one person. For example, if a buyer agent is showing a property to a married couple, the couple is two people (they don't count as one just because they live together). The couple and their 14-year-old child would count as three people (kids don't get ignored in counting people), so one of them would have to wait in the car.

The green-phase General Business Guidance does not contain a specific limit on the number of people who may be at a property. PAR recommends ensuring that the fewest possible people are present for any particular in-person activity.