



Alameda County Shelter in Place Order of April 29, 2020

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Questions and Answers

Updated May 20, 2020 at 1pm

(Updates are in Red)

The information contained herein does not constitute legal advice. Please check bayeast.org, County Orders and the County FAQs for any changes and updates.

If you have questions regarding activity related to the sale of property, you should consult with your broker. Brokers/Owners and Office Managers with transactional questions can also call the free C.A.R. Legal Hotline at 213.739.8350.

Can real estate companies reopen their offices in Alameda and Contra Costa Counties?

Yes. Please complete and implement Appendix A in the updated County [Shelter in Place Orders](#) and also follow the County [Face Covering Orders](#). Additionally, we encourage you to follow the State's guidance for the [Real Estate Industry](#). The Counties strongly urge staff to continue to work remotely if possible, especially those at-risk of COVID-19.

What does the new Order allow with regard to real estate services as an Essential Business?

The new Order provides in summary as follows:

1. Commercial real estate activities are now permissible if performed within the rules of the Order Service
2. Service providers include real estate agents, escrow agents, notaries, title companies, inspectors, appraisers, photographers and videographers and stagers in Alameda, the City of Berkeley and Contra Costa Counties as long as social distancing is maintained, and people comply with the [Face Covering Order](#).
3. Appointments and viewing are to occur virtually
4. But, if a virtual viewing is not feasible, viewings must be by appointment with no more than two people from the same household or living unit and one individual showing the unit and the occupant of the property is not present during the showing
5. Agents must comply with Social Distancing Guidelines contained in the Order

What happens if I violate the Order?

You are subject to fine, imprisonment or both. Section 18 of the Order states:

“Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.”

Where can I find the section that covers real estate professionals?

You can find it in Section 16.f.x of the Order. It says the following:

“Service providers that enable real estate transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential real estate viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in person visits are not allowed when the occupant is present in the residence).”

Where can I find the Social Distance Guidelines in the Order?

These can be found in Section 16.k.

For purposes of this Order, “Social Distancing Requirements” means:

- i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit;*
- ii. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;*
- iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands);*
- iv. Wearing a face covering when out in public, consistent with the orders or guidance of the Health Officer; and*
- v. Avoiding all social interaction outside the household when sick with a fever, cough, or other COVID-19 symptoms.*

Can I hold an Open House or Broker Tour?

No, Open Houses may not occur. Since Broker Tour is a form of Open House, it is also restricted.

On April 29, 2020, the 6 Bay Area Counties stated the following:

“All real estate transactions will also now be able to resume, but with continued restrictions on open houses and limitations on in-person viewings.”

Read the full Press Release here

<http://www.acphd.org/media/572780/joint-press-release-2020.04.29.pdf>

Can properties be viewed by a family of more than two people at the same time?

No. The Order allows only two people from the same household to accompany the agent during a showing.

Can brokers and agents conduct Live Open Houses or Broker Tours?

No. Marketing preview tours, caravans and other similar visits are not permitted.

Where can I find the C.A.R. COVID-19-related Forms?

C.A.R. has released and updated several forms to assist you during the current pandemic.

You can access them here <https://www.car.org/riskmanagement/covidlegaldocs> . You will need your CAR website login and password information to access these documents.

When should the C.A.R. PEAD Form be signed?

According to C.A.R. and subject to the direction of your broker, the C.A.R. PEAD form, the latest of which is dated April 30, 2020, should be completed each time there is an entry into the property, irrespective as to whether it is occupied or vacant. It should be signed by all service providers, buyers, or anyone else entering the home; and it should also be signed by the seller for each entry.

Can a listing agent visit the property to conduct the visual inspection required by *California Civil Code, Section 2079*?

Yes. Because it is not feasible to complete the mandated visual inspection and completion of the Agent's portion of the Transfer Disclosure Statement, an agent may visit the property to complete the statutory requirements. The C.A.R. AVID Form is available for agents wishing to do this. Agents should consult with their brokers concerning the conducting of any inspections and use of the AVID Forms.

Can a buyer visit the property after the execution of a Purchase and Sale Agreement for the purpose of fulfilling the buyer's obligation to conduct inspections as allowed by *California Civil Code, Section 1102.6*?

Yes. In performing any such inspections, the agent can accompany the buyer to assure the health and sanitation protocols are followed. Please check with your broker regarding your company's policy regarding this.

What are the protocols for viewing a property?

1. Compliance with Social Distancing Requirements of Section 16.k of the Order
2. Following the directives of public agencies for sanitation and health, including avoiding the touching of surfaces and wiping any touched surfaces with disinfectants
3. Following the directives of the Order issued April 17, 2020 pertaining face coverings
4. Follow the directions of your broker

Can a listing agent schedule back-to-back appointments to show a listed property?

The viewing can be accomplished only if a virtual viewing is not feasible. Any person coming to view a property must have previously made arrangements through the appointment process referenced in the Order AND the occupant may not be present on the property. Only two persons of the same household or living unit may view the property at the same time. Only one agent can be on the premises at a given time. The listing agent and buyer’s agent cannot be on the property at the same time.

What are the protocols for showing properties occupied by tenants?

The same protocols in effect for occupied properties apply to properties occupied by tenants. Tenants must not be present when properties they occupy are shown. The coordination of gaining access to a property occupied by a tenant is the responsibility of the seller and must be obtained in accordance with any applicable provisions of local laws and a written lease between the tenant and seller.

Where is the information about Photographers and Videographers?

The County FAQ (dated April 30, 2020) says the following:

“If a virtual viewing is not possible, then a single photographer or videographer is permitted to visit the property once to take photographs and/or video.”

Does the new Alameda County Order allow for staging and stagers?

The Alameda County, the City of Berkeley and the Contra Costa County Public Health Departments have deemed stagers are permitted as long as social distancing is maintained and people comply with the [Face Covering Order](#).

If furniture was staged before May 4, 2020 and the property sells, how can the stager retrieve their furniture?

In Alameda County, the City of Berkeley and Contra Costa County, the furniture may be removed by the stager at any time provided all protocols for sanitation and health are followed.

Can inspectors conduct home inspections?

Yes. As with any other viewing, all Social Distancing Guidelines, health and sanitary protocols must be followed.

Can appraisers conduct in-person appraisals?

Yes. If an appraisal is required in a pending transaction, an appraisal may be conducted subject adhering to social distancing guidelines established by the County. The appraisal should be conducted as expeditiously as possible. Sellers must vacate the property prior to the appraisal.

Can buyer’s agent conduct “buyer walk-throughs” prior to closing?

Yes. If a walk-through is required in a pending transaction, a walk-through may be conducted, provided that it is by appointment, a total of no more than two people from the same household or living unit, and the agent are at the property at any one time, and they all adhere to social distancing guidelines established by the County. The walk-through should be conducted as expeditiously as possible. Sellers should vacate the property prior to the walk-through.

Can professional photographers take photos and create virtual tours during the effective period of the Order

Yes. Information concerning real estate services indicates that professional photography for listings is permitted. Like all other in-person activities, photos and virtual tours must be by appointment, a total of no more than one photographer may be at property at any one time, and the photographer must adhere to social distancing guidelines established by the County. Sellers must vacate the property prior to any photography activities.

How much time should a seller be gone from the property before a viewing and how much time needs to elapse before a seller returns to a residence after the viewing or service provider leaves?

There is no scientifically accepted measure, however, there should be sufficient time between the time the seller leaves and the viewer or service provider arrives. Likewise, after the viewer or service provider leaves, the seller should allow sufficient time before returning to the property.

Do listing agents need to remove lockboxes from Active listings?

No. Lockboxes may stay on Active listings, as previews and showings are permitted by appointment only, if a total of no more than two people residing in the same household or living unit and the agent are at the property at any one time, and they adhere to social distancing guidelines established by the County.

Can moving companies move buyers into a property and move sellers out of a property?

Yes. The new Order specially recognizes the role of movers in a real estate transaction. The same protocols and rules apply to movers. All moving work should be conducted with the fewest employees possible and follow social distancing and sanitation measures. Section 16.1.vii of the Order states the following:

“To move residences. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.”

Can agents install for-sale signs at a property during the Order?

Yes. Agents are permitted to install for-sale signs, provided that the sign is installed adhering to social distancing guidelines established by the County.

Can my landscaper/arborist/gardener continue to maintain my yard?

Yes. Arborists, landscapers, gardeners, and similar service professionals can operate as outdoor businesses, as that term is defined in the new Order, but they must strictly comply with social distancing requirements.

Can home service workers continue to provide their services?

Home service workers can keep providing services in homes if they are essential to health, safety, sanitation, or the necessary operation of the home. This includes plumbers, electricians, exterminators, and other services needed to maintain a safe and sanitary home. Home construction and repair work is also allowed, as is home-based care for children, adults, seniors, and pets.

Can we bring in sanitizing and cleaning services to clean/disinfect homes?

Yes. Service providers that are necessary to maintain habitability, sanitation or operation of the residence are permissible under the new Order.

Where can I get more information?

The Order is available at <http://www.acphd.org/media/572718/health-officer-order-20-10-shelter-in-place-20200429.pdf>. You can also find the Shelter in Place Orders (and the County FAQs) for Alameda, Contra Costa, Santa Clara, San Francisco, San Mateo and the City of Berkeley on the Bay East COVID-19 page at <https://word.bayeast.org/covid-19>.

If I see a violation what do I do?

Consult with your broker. The appropriate law enforcement agency is vested with the responsibility for enforcing the law. The Association of REALTORS® is not a law enforcement agency and cannot legally engage in any enforcement activities.