

Practices and Guidelines for Real Estate Professionals under COVID-19 Local Ordinances



Updated: July 6, 2020

In recent days, municipalities across Tennessee have announced the implementation of Stay at Home Orders to minimize the spread of the COVID-19 pandemic. These Executive Orders require residents to remain in their homes unless they are engaging in designated permitted activities deemed necessary to the public, health, safety, and welfare of the state and its economy. Members should understand that the COVID-19 emergency and the governments' response to the emergency is changing rapidly. Therefore, all members are urged to monitor for changes and updates. We are providing the following guidelines for maintaining safety throughout our community while also supporting those requiring shelter.

We also urge all members to consult with their managing brokers and attorneys as they navigate this evolving emergency.

WCAR's top priority is the safety of members, our staff, and the community at large. WCAR also remains committed to driving REALTOR® business success and economic development of our communities. We believe that the ability to close on real estate property during this pandemic is essential. With the technology available today, we are confident REALTORS® can and will seek to provide crucial real estate services, including the marketing of properties, virtually.

Federal – United States Department of Homeland Security

Advisory Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response (Guidance Only)

"Staff at government offices who perform a title search, notary, and recording services in support of mortgage and real estate services and transactions."

"Residential and commercial real estate services, including settlement services."

State of Tennessee

Tennessee Pledge (Guidelines for Reopening the State of Tennessee; these are guidelines for all 89 counties without a health department, including Williamson County)

For All Businesses

- Employers
 - **Allow employees to work from home as much as possible**
 - **Screen all employees reporting to work for COVID-19 symptoms** with the following questions:
 - Have you been in close contact with a confirmed case of COVID-19?
 - Are you experiencing a cough, shortness of breath or sore throat?
 - Have you had a fever in the last 48 hours?
 - Have you had new loss of taste or smell?
 - Have you had vomiting or diarrhea in the last 24 hours?
 - **Temperature screening employees:**
 - Best practice: employers to take temperatures onsite with a no-touch thermometer each day upon arrival at work
 - Minimum: temperatures can be taken before arriving. Normal temperature should not exceed 100.4 degrees Fahrenheit

- **Direct any employee who exhibits COVID-19 symptoms** (i.e., answers yes to any of the screening questions or who is running a fever) to leave the premises immediately and seek medical care and/or COVID-19 testing, per Tennessee Department of Health and [CDC guidelines](#). Employers should maintain the confidentiality of employee health information.
- **Implement workplace cleaning and disinfection** practices, according to [CDC guidelines](#), with regular sanitization of high-touch surfaces at least every two hours
- **Mitigate exposure in the workplace** by implementing social distancing guidelines and modify scheduling
- **Plan for potential COVID-19 cases**, and work with local health department officials when needed (e.g., monitor and trace COVID-19 cases, deep clean facilities)
- **Covered employers and employees should be aware of the provisions of the federal Families First Coronavirus Response Act**, which allows for paid sick leave or expanded family and medical leave for specified reasons, such as for self-quarantining or seeking a medical diagnosis for COVID-19 symptoms
- **Update the Employee Illness Policy** to include the symptoms of “COVID-19” or create a COVID-19 specific policy. All staff should sign the policy, and the policy should be posted for confirmation
- **Limit self-service options** (customer samples, communal packaging, food/beverages, etc.)
- **Post extensive signage on health policies**, including the following documents, in the workplace to help educate building occupants on COVID-19 best practices:
 - [CDC guidance to stop the spread of germs](#)
 - [CDC guidance on COVID-19 symptoms](#)
- Employees
 - **Stay home when feeling ill**, when exposed to COVID-19 (e.g., positive household member case), or if diagnosed with a confirmed case of COVID-19. Employees who are particularly vulnerable to COVID-19 according to the CDC (e.g., due to age or underlying conditions) are encouraged to stay home
 - **Increase hygiene practices**—wash hands more frequently, avoid touching face, practice good respiratory etiquette when coughing or sneezing
 - **Wear a cloth face covering (not an N-95 or medical mask, which should be reserved for healthcare workers)** while at work and in public to help protect against the spread of the virus
 - **Practice recommended social distancing** to the greatest extent possible— **“Further is safer”**
 - **Abide by guidelines established by employer**, which may include the use of gloves, social distancing practices in the workplace and increased sanitation
- Businesses should follow guidance issued by the [CDC](#), [Tennessee Department of Health](#) and any applicable federal or regulatory requirements. In addition to these general guidelines for all Tennessee employers and employees, each employer and employee should refer to their industry-specific guidance as set forth on the following pages. These industry-specific safeguarding protocols have been created with the input of private sector working groups in partnership with the Economic Recovery Group. Protocols are subject to change and may be released on a rolling basis. Companies doing business in Tennessee should follow Tennessee guidance and best practices outlined in this document.

For Office Buildings

- Employee Protection
 - Same guidelines for “All Businesses” above
- Office Visitor Protection
 - Limit visitors and vendors within the premises unless necessary. Consider the use of cloth face coverings for visitors and vendors
 - **Screen all visitors and vendors prior to entry for COVID-19 symptoms with the following questions:**
 - Have you been in close contact with a confirmed case of COVID-19?
 - Are you experiencing a cough, shortness of breath or sore throat?
 - Have you had a fever in the last 48 hours?
 - Have you had new loss of taste or smell?

- Have you had vomiting or diarrhea in the last 24 hours?
- Practice recommended social distancing to the greatest extent possible, and maintain at least 6 feet between people — “Further is safer”

Business Process Adaptations

- Limit meeting room capacity to facilitate 6-feet of separation between attendees and encourage as many attendees as possible to join via teleconference or video conference, and consider alternative open spaces for meetings
- Implement workplace cleaning and disinfection practices, according to CDC and OSHA guidelines, with regular sanitization of high-touch surfaces
- Place hand sanitizer stations in common areas
- Use a clearly designated entrance and a separate clearly designated exit to maintain social distancing, if possible with high-traffic buildings/entrances
- Use plastic shields or barriers between adjacent or open work stations and clean such shields or barriers frequently
- Consider technology to facilitate working remotely as appropriate
- Postpone large gatherings (such as group trainings, sales presentations, team gatherings), and/or hold these gatherings virtually until larger gatherings are advisable according to the CDC

Executive Order No. 33 (Signed into effect on May 5. This order also repeals Order No. 17, 21, 22, 23, 27, and 29)

- No real estate specific orders.
- Close contact services (nail salons, hair salons, barbershops, tanning salons, etc.) are allowed to reopen at limited capacities unless they are located in a county with its own Health Department, in which case those guidelines should be followed. The following counties have their own health departments: Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan County.

Executive Order No. 30 (Signed into effect on April 29 and is in effect through May 29. This order also repeals Order No. 17, 21, 22, 23, 27, and 29)

- This order outlines how Tennesseans can return to work safely while still limiting the spread of COVID-19. It does not contain real estate specific orders, but gatherings are still limited.
 - Citizens are encouraged to continue to maintain 6 feet of distance between themselves and others, remain home if they are sick, work from home when possible, limit travel, and continue to adhere to the CDC guidelines.
 - Employers are encouraged to implement practices and policies within the local, state, and federal guidelines.
 - The following have been ordered statewide (please see the official document for detailed explanations):
 - *Return to work*
 - *Social gatherings of ten (10) or more remain prohibited*
 - *Worship, Weddings, and Funerals are not considered social gatherings. However, places of worship are strongly encouraged to utilize virtual or online services.*
 - *Stay at home when possible and limit unnecessary activity*
 - *Citizens are urged to wear face coverings in public places*
 - *Nursing homes and similar facilities are closed to visitors*
 - *Special care should be taken to protect vulnerable populations*
 - *Businesses should follow Health and ERG Guidelines*
 - *People with COVID-19 or COVID-19 symptoms must stay home*
 - *Employers should not require or allow employees with COVID-19 to work*
 - *Continued closure of the following:*

- *Barbershops*
- *Hair salons*
- *Waxing salons*
- *Threading salons*
- *Nail Salons or Spas*
- *Spas providing body treatments*
- *Body art and tattoo services*
- *Tanning salons*
- *Massage Therapy and services*
- *Entertainment, Recreation, and other venues will be closed to members of the public. (See order for a full list.)*
- *Take-out alcohol sales by restaurants will continue to encourage delivery orders.*
- *Six counties with locally run Health Departments have the authority to issue ordinances: Davidson, Hamilton, Knox, Madison, Shelby, and Sullivan.*

Williamson County

Executive Order - Mandatory Mask Mandate for Williamson County – Mayor Rogers Anderson (Effective Tuesday, July 7, Expires August 3)

“NOW, THEREFORE, PURSUANT TO THE AUTHORITY DELEGATED BY EXECUTIVE ORDER 54 AND PURSUANT TO GOVERNOR LEE’S RECOGNITION OF A CONTINUING STATE OF EMERGENCY AND MAJOR DISASTER RELATED TO COVID-

19, the Mayor of Williamson County, Tennessee, after consultation with the Mayors of the various municipalities within Williamson County and the School Superintendents for the two school districts within the County, issues a Declaration of Emergency related to the COVID-19 pandemic, and

IT IS ORDERED that cloth or other face coverings that cover the nose and mouth of a person to impede the spread of the virus during speaking, coughing, sneezing or other action, shall be required in Williamson County, Tennessee, within all publicly-accessible areas of commercial business establishments; in public outdoor areas where social distancing of at least six feet cannot be maintained; and within the publicly-accessible areas of business offices where there is direct interaction with the public and social distancing of at least six feet cannot be maintained. A "commercial business establishment" means any establishment that sells goods or services, or a combination thereof, including but not limited to grocery stores, restaurants, lobbies and public spaces in hotels and other places of lodging, pharmacies, banks, bars, salons, retail stores, medical and dental offices, and entertainment and sports venues.

IT IS FURTHER ORDERED that this Order does not apply to:

1. Any person who is under age 12;
2. Any person who cannot safely wear a face covering because he/she has trouble breathing due to an underlying health condition or another bona fide medical or health-related reason for not wearing a face covering;
3. Anyone who is incapacitated or otherwise unable to remove a face covering without assistance;
4. Persons in a private residence;
5. Persons who are outdoors, unless the person cannot substantially maintain appropriate 6-foot social distancing from others outside of the person's household;

6. Persons while eating or drinking;
7. Persons in a place of worship (unless a face covering is required by the place of worship), although persons in places of worship are strongly encouraged to wear face coverings to slow the spread of COVID-19;
8. Persons within private motor vehicles, unless such vehicle is being used for public transportation or a vehicle for hire;
9. Persons working under conditions where appropriate social distancing of at least six feet from others outside the person's household is substantially maintained;
10. Persons present in government facilities, or on government premises, who shall be subject to the rules and regulations of the governmental entity operating the facility or premises. Persons present in the public areas of all Williamson County government facilities will wear cloth or other face coverings, subject to the age and health restrictions outlined herein, and subject to number 11, below. Other local governmental entities may issue their own directives regarding their facilities;
11. Persons in a voting site for the purpose of voting or administering an election; although such persons are strongly encouraged to wear face coverings to slow the spread of COVID-19;
12. Persons who are engaging in strenuous exercise and/or physical activity, provided, however, that such persons shall maintain 6-foot social distancing when not wearing a face covering;
13. Persons for whom wearing a face covering would pose a safety or security risk.

IT IS FURTHER ORDERED that businesses and facilities subject to this Order shall post signage at public entrances informing patrons of the requirement to wear a mask within the establishment, and shall enforce the requirement within the establishment.”

Franklin

Mayor Ken Moore's Executive Order (EXPIRED)

“Real Estate Businesses that provide transactional services, final walk through and final inspections and can show homes either electronically or virtually;”

Brentwood – No current Area Specific COVID-19 Orders

Fairview – No current Area Specific COVID-19 Orders

Spring Hill – No current Area Specific COVID-19 Orders

Thompsons – No current Area Specific COVID-19 Orders

Nolensville – No current Area Specific COVID-19 Orders

Davidson County

Nashville/Davidson County Metro Public Health Department Order 8 (Effective June 29)

Beginning June 29, 2020, Nashville / Davidson County Metro Public Health Department requires individuals interacting in public places within Davidson County to wear a face cover or a mask.

The new order requires that during an open house, a face cover or mask be worn within the dwelling and that individuals make the best effort to remain six feet apart. Exceptions to the requirement, according to Metro Health publicly issued guidelines, include:

Children age 12 or less.

Persons who cannot medically tolerate wearing a face-covering. No person declining to wear a face covering because of a medical condition shall be required to produce verifying medical documentation.

Within a motor vehicle.

While outdoors in public spaces, unless maintaining a physical distance of six feet from persons who are not members of the same household or residence, is not feasible.

There are no restrictions on having multiple parties in the home at the same time.

To help in the communication of this order to guests at open houses, the real estate agent hosting the open house should post conspicuous signage at all entrances stating to the effect:

“Pursuant to Order 8 from the Chief Medical Director of Health for the Metropolitan Government of Nashville and Davidson County, you are REQUIRED to wear a cloth face covering or mask while attending this open house and make all efforts to maintain a social distance of at least six feet.”

Davidson County's Safer at Home Order (Currently Effective through May 8)

Real estate is declared an essential business as the order allows the following:

“Real property marketing, leasing, purchase, and sale services;”

“Construction, architectural, engineering, or surveying services;”

Allows the following with restrictions:

“Hotels, short term rental properties, commercial lodges, and dormitories shall cease entertainment or dine-in services, subject to allowing food and beverage pick-up and room-service.”

Under local Stay at Home Orders, business related to the closing of current transactions would be considered “Essential” in nature and allowed to proceed. That said, it is recommended that as much of this business as possible be done without in-person contact by utilizing available technologies.

Tennessee REALTORS® COVID-19 REALTOR® Recommendations

Real estate is listed as essential; however, you must be **in route to, or in the process of conducting, business** when traveling under the real estate “umbrella.” Being in real estate is not an overarching exemption to go wherever we wish for any reason. Business cards should be the proof needed if you are ever questioned, but it is also advisable to have a copy of your real estate license with you if possible.

- We encourage you to **follow CDC guidelines on precautions** related to COVID-19. Please remember that as REALTORS®, we are leaders in the community; we have the opportunity, and the responsibility, to set a positive example for others.
- The governor left it up to **local law enforcement** to apply the stay-at-home order. Please be mindful and respectful of local officials as they work to keep our communities safe.
- In addition, some **local governments** have established their orders and definitions of essential business. Be aware of those local regulations, since they are enforceable.
- We join NAR in **strongly discouraging open houses** and advocating online tools such as virtual tours when showing properties. Agents should refer to their brokers for specific office policies on these and other topics.

WCAR COVID-19 REALTOR® Recommendations

- Property inspections necessary for the closing of transactions remain allowed. However, extreme caution and regard for social distancing guidelines must be exercised in any face-to-face interactions that are necessary for the completion of the inspection. It is recommended that when possible, the home inspector be let in the property by the listing or buyer's agent while practicing distancing of 6 ft. or more. Consultation after the inspection should be done by phone or online to avoid physical contact.
- Property appraisals necessary for the closing of transactions, purchase, refinance, etc., remain allowed, however, like inspections, extreme caution and regard for social distancing guidelines must be exercised in any face-to-face

interactions that are necessary for the completion of the inspection. It is recommended that when possible, the home appraiser enters the property individually.

- Most Title Companies have implemented new guidelines for closings, including limiting attendance at those appointments to only the buyer and closing representative. Please contact the title company for updates on their policies.
- Virtual final walkthroughs are also encouraged at this time. If this is not possible, limiting the number of people in the home during the walkthrough is advised.
- Showings are encouraged to be done through virtual solutions. In the event that an in-person property viewing is deemed critical, the showing should be restricted to only the actual signer of the lease or sale agreement, and social distancing guidelines and best practices must be followed, such as the use of hand sanitizer, gloves, and booties to cover shoes. Listing agents should ask sellers to turn on all lights and open all closet/cabinet doors to keep touching to a minimum. Buyer agents should leave the house as it was found and wipe down all doorknobs, light switches, etc., with a disinfectant wipe if contact is necessary. The overlapping of showings is prohibited, and a minimum of 45 minutes should be scheduled between all showings at a property.
- An optional COVID-19/Coronavirus Addendum is now available from Tennessee REALTORS®, visit www.tnrealtors.com/formsonthefly to learn more. This universal form can be used as an addendum for delays resulting from the COVID-19 pandemic.
- All other marketing should be done in adherence to the guidelines of the Stay at Home Ordinance.
- Property management and repair work, which generally involves maintaining sanitary and safety conditions, are permissible.
- Physical office location operations should follow the mandate of the Stay at Home Order within that jurisdiction. It is recommended that those that do remain open limit on-site staff to only those necessary for essential daily operation and prohibit public visitors.

Visit the CDC's website and the Tennessee Department of Health websites for the latest updates about the virus. Additional information about the impact of Coronavirus on the real estate industry can be found on the National Association of REALTORS'® website. WCAR is encouraged by everyone doing their parts in the real estate arena to help slow the spread of this illness. The fewer of who contract COVID-19, the more it can help reduce the risk to our more vulnerable populations.

WCAR will update this information as additional information becomes available in the coming days. Keep up to date at www.wcartn.org.