

SHELTER-IN-PLACE GUIDANCE DURING COVID-19

Shelter-in-Place Order: What Does It Mean?

In an effort to prevent the continued spread of, and exposure to, COVID-19, a growing number of states, cities and counties have issued “shelter-in-place” orders. These shelter-in-place-orders, sometimes referred to as “stay at home” orders, generally require citizens to stay at home and discontinue all *non-essential* outings. While shelter-in-place orders vary from location-to-location, individuals are permitted to continue engaging in *essential* activities, such as trips to grocery stores, pharmacies, hospitals, and a doctors’ offices. Non-essential activities, however, which generally includes activities such as trips to hair salons, dine-in restaurants and bars, movie theaters, gyms, and museums, are prohibited.

How are Shelter-in-Place Orders Enforced?

Many states, such as Hawaii, New York, and Colorado, rely on citizens to police themselves, while others impose civil fines for violations. Some states take an even harder approach, such as California, where a violation of the state-wide order could result in a misdemeanor with up to six months of imprisonment. Should a business defy a shelter-in-place order, the business could face a revocation of its license. If you must leave your home for an essential activity, most shelter-in-place orders mandate that citizens practice social distancing by staying at least six feet away from one another at all times, and some limit the number of people allowed to gather in a place at any given time.

How do Shelter-in-Place Orders affect real estate business?

It depends. If real estate services are considered an essential service under the order, REALTORS® may be able to continue to conduct real estate business, which is the case in several states, like Illinois, Wisconsin and Connecticut, where real estate services are considered an “essential service” in the state’s shelter-in-place order. However, this is not always the case. Several states, including New York, Pennsylvania, and Vermont, do not consider real estate to be an essential service, thereby limiting the continued conduct of real estate activities to actions that may be accomplished remotely. Keep in mind that even where real estate services are deemed “essential”, it may not be business as usual – many states require telework or remote work whenever possible and prohibit gatherings of more than 10 people, including in office spaces. REALTORS® should endeavor to conduct as much work as possible remotely, and follow the [Center for Disease Control’s \(CDC\) recommendations](#) for preventing spread of, and exposure to, COVID-19.

Where have Shelter-in-Place Orders been issued?

As of March 25, 2020, the following states have issued shelter-in-place orders or executive orders closing non-essential businesses: California, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Louisiana, Maine, Massachusetts, Maryland, Michigan, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Washington, Vermont, Washington, West Virginia, and Wisconsin. For the most current information about orders in effect in your area, refer to your local and state governments.

What if a city or county’s Shelter-in-Place Order conflicts with the state’s Shelter-in-Place Order?

In general, a state’s shelter-in-place order will supersede a city or state order. Some state orders even explicitly prohibit a city or county from enacting a more permissible order. If, however, a city or county order is more restrictive, the more restrictive order should be followed for that specific geographic area, so be sure to familiarize yourself with all applicable shelter-in-place orders.

SHELTER-IN-PLACE ORDERS: CHECKLIST FOR BROKERS

- ✓ Determine whether a Shelter-in-Place Order was issued in your geographic area.
- ✓ Be familiar with the terms of the order.
- ✓ Determine whether real estate is identified as an “essential service” in the order.
- ✓ **If real estate IS included as an “essential service” in the Shelter-in-Place Order:**
 - Promptly communicate with staff and agents how the order impacts their ability to conduct business.
 - Determine whether the brokerage’s office will remain open, and if so, whether to limit the number of individuals permitted in the office at any given time.
 - Consider whether staff will be permitted, and encouraged, to work remotely.
 - Encourage staff and agents to limit in-person contact and to conduct business *remotely* as much as possible.
 - Reiterate the importance of following the [CDC’s recommendations](#) for preventing the continued spread of, and exposure to, COVID-19 when conducting business, and servicing clients.
 - Have a [Preparedness Plan](#) in place to be ready to respond to COVID-19 issues.
- ✓ **If real estate IS NOT included as an “essential service” in the Shelter-in-Place Order:**
 - Promptly communicate with staff and agents how the order impacts their ability to continue to conduct business.
 - Close the brokerage’s office in compliance with the terms of the order.
 - Provide clear and prompt communication to brokerage staff and agents regarding the office closure, and remote work requirements and capabilities.
 - Encourage staff and agents to continue conducting business and servicing clients remotely, including by leveraging available technology, and alternative ways to market properties.