2020 REALTORS® LEGISLATIVE MEETINGS
RISK MANAGEMENT ISSUES COMMITTEE
WORKGROUPS REPORTS
RISK MANAGEMENT/issues committee

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Cybersecurity and Wire Fraud
Most states reported that they did not observe any increase in cybersecurity or wire fraud issues during the pandemic.

Shelter-in-Place and Non-Essential Business Orders
Most states reported that real estate services were deemed essential. However, state and local orders varied in their restrictions.

COVID-19 Pandemic Challenges and Issues
Reported issues were:
- Decrease in listings and sales
- Contracts falling through
- Listings temporarily coming off the market
- Showing properties with the proper safety precautions
- Adopting new technology
- Accommodating clients either didn’t have access to a computer, smart phone or were uncomfortable using technology
- Access to government services
- Remote online notarizations

Access to Notarizations
Some states reported that they could obtain notarizations either through remote online notarization or “curbside” notarization. In other states, brokers were waiting for remote online notarization to be legalized.

Pandemic Related Amendments, Addendums and Forms
About half of states reported to have adopted or used COVID-19 amendments, addendums and other forms. A full list of the forms can be found under State Forms and Addendums below.

Business Practices to Address Health and Liability Concerns
Reported practices were virtual tours, virtual showings and virtual open houses. Open houses were restricted by most states. On the other hand, many states reported being allowed to conduct in-person showings with many restrictions such as limiting the number of people (e.g. prospective buyer and agent) in the property, requiring masks, gloves and other personal protective equipment, and keeping doors and spaces open to prevent touching. A few states only allowed in-person showings of vacant properties.
MLS Changes
Most states reported that their MLSs made changes to allow and support virtual tours, virtual showings and virtual open houses. The option for open houses were typically removed in most states due to health and safety risks. Most states reported that their MLSs allowed listings to go into temporary withdrawal, suspended available showing rules for active listings and provided other flexibility to support and accommodate brokers and their clients’ health and safety concerns or to comply with government orders.
NAR Risk Management Midwest Workgroup

Chairperson: Janet Judd

Initial Call: April 22, 2020 at 1:45pm CT

Update Call: May 5, 2020 at 1:30pm CT

Via Zoom Call

Questions posed:

1. What is new in your area in response to the pandemic (in relation to cybersecurity and wire fraud)?
2. Has your state been deemed Essential or Non-Essential?
3. What challenges are you facing in your state (in relation to cybersecurity and wire fraud)?
4. Status of Online Notary in your State (in relation to cybersecurity and wire fraud)?
5. What forms have been drafted to address the issues we are facing (in relation to civil health and liability)?
6. How are you doing business in the State (in relation to civil health and liability)?
7. Has your MLS implemented any changes (in relation to civil health and liability)?

________________________

ILLINOIS:

• Information not provided.

ILLINOIS UPDATE:

• No updates.

INDIANA:

• Nothing new in terms of wire fraud or cybersecurity at this point. We have had wire fraud notification and verification language in our contracts for years now to protect parties. All committees conducting meetings.
• Brokers are facing difficulties with virtual transactions for technology reasons and even digital signature with the older members or clients.
• Indiana will start remote notarization the end of this month so we have no report yet on these issues. This was already in the pipeline but the July date was moved up due to the pandemic.
• IAR (Indiana) has prepared 4 forms and one travel authorization letter to protect members with transactions, travel and covid-19 related delays:
  o Covid-19 delay addendum/amendment for Purchase Agreement
  o Listing contract addendum/amendment
  o Disclosure & Waiver prior to physical showing/inspection
  o Sight Unseen acknowledgment form
• Travel authorization document for members
  • Showings are conducted virtually if at all possible. No open houses at this time. Real estate has been determined to be essential but is to be conducted virtually or by phone whenever reasonably possible.
  • Only serious buyers will be allowed to physically view a property. Safety and sanitization measures are taken before and after the showing. Seller authorization for physical showing is required. Disclose if seller or buyer is a health care worker for precaution, with their consent.
  • MLS’s have added “Temporarily off market” has been added or is being used in some of the MLS’s around the state. The listing is still considered active.

INDIANA UPDATE:
  • They are beginning to open up.
  • They have been an essential business.
  • They are allowing showings if necessary, so a screening for symptoms is encouraged.
    o Face coverings are strongly recommended, but not mandated or required.
  • Restaurants opening 50% soon.
  • This is considered Phase 2, but some parts are still in Phase 1.
  • Some local governments are putting stricter guidelines into place.

IOWA:
  • No update provided.

IOWA UPDATE:
  • No update provided.

KANSAS:
  • Representative not in attendance.

KANSAS UPDATE:
  • They seem a little looser.
  • Agents are wearing masks in occupied houses, it is recommended. Same with gloves.
  • Offices are mainly closed.

KENTUCKY:
  • Information not provided.

KENTUCKY UPDATE:
  • Representative not in attendance for update.
MICHIGAN:

- Wire fraud: not much change here. Warnings in email signatures and disclosures are ubiquitous and it seems that the frequency of successful scams is diminished.
- Cyber: there have been some significant cyber attacks that result in ransom requests, which in some cases are being paid by businesses. Many have been moving to Multi factor Authentication for email and other systems to avoid the hacks.
- RON: remote-online notarization has moved forward in Michigan, and is being embraced by all major title companies. We are hearing some instances where the lender involved will not clear their package and are requiring traditional notarization.
- COVID-19: Michigan’s Stay at Home Order has not deemed real estate agents as essential. Agents may work remotely from home, but travel related to their real estate work is not allowed. No placing of signs, no photographs, no showings, no visits to offices. The MLS has turned off Showing Time. For properties that do come to market, the seller is taking their own activity down by about 2/3, but there is a lot of pent up demand and supply. Our state association if working diligently to work with the governor’s office on proposal to bring Michigan’s real estate community more in line with the rest of the region.

MICHIGAN UPDATE:

- Can show houses starting later this week.
- Offices are not open to the public.
- Masks are required.

MINNESOTA:

- Representative not in attendance.

MINNESOTA UPDATE:

- Representative not in attendance for update.

MISSOURI:

- Cybersecurity and wire fraud
  - No real changes on this in Missouri
  - Our state has a Wire Fraud Disclosure that many brokers use
  - There have been notices about fraudulent phishing attempts that look like communication from the SBA regarding the loan programs
- Things that are new in the area in response to the pandemic
  - This year is a license renewal year and the MO Real Estate Commission extended the broker deadline to complete continuing education and renew the broker license by 60 days; salesperson by 30 days. They also approved online classes via video conferencing
  - Increase in professional photographer offerings for video walk throughs
  - Increase in virtual showings
  - Increase in video conferencing
Inspections are still being conducted, but with limitations to the number of people present. Buyers are encouraged not to attend, or if they must, at the end of the inspection for a recap.

- Challenges brokers and agents are facing:
  - Loss of revenue
  - Contract fallout due to job loss or fear of job loss
  - Listings coming off the market at least temporarily
  - Less inventory coming on the market. Most listings under $300,000 are going under contract over night with multiple offers. Over $300,000 is taking longer to sell.
  - Brokers struggling to keep agents motivated and stay in touch socially
  - Many companies have developed safety precautions to implement when face-to-face with clients
  - Tech issues for clients who do not have a computer or smart phone, or who do not feel comfortable using video conferencing or digital signatures

- Online notary
  - Online notary is not allowed in Missouri
  - Title companies are limiting the number of people at a closing, restricting it to the buyers and sellers only
  - Title companies are conducting curbside closings. They can either bring the documents to the car and the clients can sign in their car or they can sign at a table they have set up in front of their office
  - Some title companies are requiring buyers and sellers to sign a document stating they do not have any illness symptoms related to COVID-19. If they do have symptoms, they must reschedule their closing

- New forms
  - The State and Local Association have implemented new forms
    - Amendment that will extend closing if COVID-19 issues impact the progress of the transaction, extend a loan contingency due to buyer’s loss of income related to COVID-19, or allow a termination of the contract.
    - Hold Harmless Agreement for buyers and sellers
    - Governmental Inspections/Occupancy Notice in the event local municipalities impose inspection restrictions
  - Many companies have issued safety precaution recommendations and procedures

- Showings
  - We are considered essential in Missouri, but our State Leadership Team has requested we limit posting about this on social media so as not to bring unnecessary attention to this.
  - Safety precautions have been implemented for face-to-face showings including antibacterial wipes, gloves, masks, booties, hand sanitizer
  - Sellers are encouraged to open doors, leave lights on, etc., to limit the number of items that are touched during the showing
  - Virtual showings are becoming more prevalent
  - Visitors are limited to the parties to a contract and one buyer agent only. No children or extended family members
No overlapping showings are allowed

- Common practices being used by members
  - Trying to use video conference apps at least initially on a listing call or buyer consultation
  - When face to face, adhering to social distancing and safety precautions listed above

- Adjustments being made by MLS’s due to the pandemic
  - The MLS has disabled the ability to post public open houses
  - They have implemented a new Coming Soon status that complies with the Clear Cooperation Policy earlier than they planned and reduced some of the restrictions of the status during this time

MISSOURI UPDATE:
- No further updates.

NEBRASKA:
- Nothing out of the ordinary in Cyber fraud. Something that may just be a strange coincidence is that a number of real estate agents have had their personal credit cards hacked in the past 2-3 weeks. That sneaky $13.76, then another minor charge, then a bit bigger until it is in the hundreds out of state.
- We are still deemed an essential service provider.
- Challenges are keeping people engaged, not overdoing the Zoom, keep social, active people in a good place in their lives that have changed so much.
- We have extremely low inventory. More fall out transactions than in a long time for a couple of reasons. One is job loss and the other is fear of possible job loss.
- There are Covid forms that are provided by Associations and the one large Regional MLS that allow for automatic extension of contract deadlines up to 30 days due to changing conditions.
- MLS staff is down to one person in the building at a time, rotate the staff person.
- Closings with the title company are still taking place mostly in person. Only the buyer(s) that sign are allowed in the office with the one title person. They are asked pertinent questions at the door about their health and travel.
- Refinance is a drive through business and handled in the parking lot of most banks.
- Showings are on a case by case basis with the buyers. There is protocol written in questions to ask. Most agents are using PPE during showings for themselves and their clients. It is entirely up to the seller on allowing showings. Most open houses are virtual. We have actually had a few properties sell without the buyer every stepping foot in the door prior to owning. Most inspections are done as just the inspector on the property, follow up with the buyers on the driveway with lots of photos and explanations.
- Lastly, within the last 45 days, online notary was passed here. Unsure how much it is being used since it is still so new, but perhaps have some better numbers going into our next meeting.

NEBRASKA UPDATE:
- No update provided.
NORTH DAKOTA:

- What is new in your area in response to the pandemic?
  - No changes reported for any of the group. Changes and policies had been implemented quite some time ago when the issue first popped up. So, policies and practices were reinforced and reminders made of policies already in existence. Any wire instructions if sent by email, are sent in encrypted messages. It is suggested instructions be delivered in person but before transfers are done. Calls are made and transfers are verified to prove validity of them. Most of the Title companies have opened accounts at local banks so internal transfers can be done rather than by wire which does not generate a cost for the buyer or seller either. Agents are requested to deliver in person wire instructions rather than using unsecured email accounts.

- Challenges that brokers/agents are facing:
  - One of the biggest challenges seems to be people not taking the pandemic seriously. Buyers are encouraged to only bring “decision makers” to showings, but come with children, friends, and others to showings. Agents have been forced to limit numbers of people entering homes (by request of the sellers).
  - Loss of business: Brokers and agents alike report significant decreases in business. Typically, this time of the year is one of our busiest, but brokers estimate business being down 50% to 60% this year over last. On the other side, Title companies and Lenders report significant increases in business due to high level of refinances going on.
  - Technology: Elderly clients or those clients who either don’t have technology available or do not know how to use it. It forces agents and clients/customers to have more face to face contact but hopefully take more precautions.
  - Curbside closings: A new way to social distance! These have become the standard for title companies. Clients are required to stay in their vehicles with a closing agent going from vehicle to vehicle for transfer of documents. Title companies are requesting appointments or calls ahead of time to drop off documents and they will send someone to your vehicle to get things rather than have outsiders enter the building.
  - Bank lobbies are closed and people must make appointments with lenders to enter bank buildings to ensure proper social distancing.
  - Health issues: I had a broker mention that several agents in the office had prior health conditions that now classify them as “higher risk” or immunocompromised. These agents are either not working at all or are having to refer their business to others in their offices that are willing to go out in public.
  - Psychological and emotional well-being issues: Some depression due to slow down in market, lack of business and lack of person to person contact. Agents, buyers, and sellers to the face to face and social contact.
  - Loss of qualified buyers: Several brokers reported the importance of having a qualified buyer recheck with their lender to check their ability to purchase if there has been a change in employment. Loss of employment and cutting of hours, plus stock market drops have affected many buyers ability to purchase what they were originally qualified to purchase.
  - Other buys have simply dropped out of the market until the “uncertainty” is over.
• Online notary is brand new in North Dakota. I did not find anyone in our Board who has used online notary. Several agents who are notaries have begun setting up so they can begin using it, but no one has so far. Two of our local title companies are also in the process of preparing for it, but are not complete and have not implemented it.

• Neither our local or state associations have enacted or adopted any new forms. Individual offices have established protocols that they are suggesting their agents adopt when showing or listing property. One company is requiring their agents use a “visitor health screen” form prior to showing, that is similar to the questions that doctors and clinics are using. It asks if you have traveled out of the state or country in the past 14 days, are you experiencing fever, cough, or other Covid symptoms, have you been around anyone with a positive diagnosis or Covid in the past 14 days and have you been tested or are you waiting for test results personally on a Covid test? A “yes” answer to any of the questions means the agent cannot show the property.

• Manner in which showings are being conducted and common practices being use by members:
  o Showings are only prohibited if a seller does not allow them. Otherwise, sellers are encouraged to provide antibacterial wipes and/or hand sanitizer at doorways for guests to use upon entering the home. Agents have requests that only “decision makers” attend any showings in order to limit “touching” of seller’s possessions as well as limiting everyone’s exposure to anyone else. Some agents require each visitor to the home only touch surfaces with an antibacterial wipe. No “skin contact” on any surface. Sellers are encouraged to turn on all lights, open pantry doors as well as closets, etc. so buyers can look without touching and agents are told to leave lights on and doors open for sellers to put back. So, leave it as you saw it. Many agents are using Facetime or Google duo or other “visual/virtual” apps for first time showings rather than bringing people physically in homes. If there is further interest, then a face-to-face showing with decision makers is arranged. There are no public open houses being held and agents are utilizing virtual open houses in place.
  o Local Board office as well as our State Association offices are both closed. Most staff are working remotely from home, and the offices are open by appointment only. Most appointments seem to be lockbox related. Most other business is done by phone or email. Office meetings, Board meetings, and regular committee meetings are held using Zoom. They are well attended and many agents feel this change is a great one.
  o Inspections: home inspections are still happening, but some inspectors are no longer doing walk throughs with buyers and are relying only on their written report, pictures taken during the inspection, and a phone call with the buyer for discussion purposes.

• Adjustments made by MLS’s because of the pandemic: Our board enacted a temporary change in an MLS policy just for the duration of the pandemic. Typically, if a listing was put on a “hold or no showings” status, this listing was pulled from MLS and was not visible to the public on any websites. Agents could still access them, but with the understanding that the status meant “no showings!” Essentially the home was off the market. Now, if a seller decides that they do not want showings, their listing still shows as an active listing and is visible on all websites, but agents are required to list in the first line of Public and Agent remarks on the data sheet, that the house is not allowing showings at this time. This lets people know the house is available for sale, but showings have to be conducted virtually.
NORTH DAKOTA UPDATE:
• No update provided.

OHIO:
• Representative not present.

OHIO UPDATE:
• State has now issued employee-required face masks for open houses and showings
  o Agents are considered their own business
  o Don’t have to wear mask in office unless you share your private office with someone
• Real estate is an essential service in Ohio
• Office doors are not open
  o Managers and admins are the only ones physically in the office though
• Is there a liability to clients if the agent gets covid and spreads it?
• Stores currently have a policy that you must have a mask to enter the store
• If you have a medical reason that you can’t wear a mask, then you need a doctor’s note to enter a real estate office without a mask on
• Masks are mandated inside the office right now (state of OH mandated this)
  o People have to bring their own masks

SOUTH DAKOTA:
• Representative not in attendance

SOUTH DAKOTA UPDATE:
• Representative not in attendance for update.

WISCONSIN:
• Representative not in attendance

WISCONSIN UPDATE:
• Representative not in attendance for update.

Additional Discussions:
• None.

Additional Updates:
• Recommendations
  o Get a forehead thermometer for agents coming in before allowing them in
  o Can we mandate what independent contractors do? Agents are considered independent contractors
  o Screening issues
    ▪ Social distancing challenge with this if a non-medical professional is doing this
- Suggestion: put up signs
- Plexiglass is being used at stores or reception desks
Questions posed:

1. What is new in your area in response to the pandemic?
2. Has your state been deemed Essential or Non-Essential?
3. What challenges are you facing in your state?
4. Status of Online Notary in your State?
5. What forms have been drafted to address the issues we are facing?
6. How are you doing business in the State?
7. Has your MLS implemented any changes?

CONNECTICUT:

- Deemed Essential
- State Association put out guidelines
- Doing business with safety guidelines
- Issues with MLS = Sellers are not allowing showings
- MLS wants properties not allowing showings to go into a state of Temporary withdrawal.
- Virtual open houses
- COVID-19 Addendum drafted
- Fair housing issues included COVID-19 as a protected class as a disability

CONNECTICUT UPDATE:

- Representative not in attendance for update.

DELAWARE:

- Representative not in attendance.

DELAWARE UPDATE:

- Original order as non-essential until May 15, 2020.
- No open houses.
- Can show and list with restrictions.
- Offices closed.
• State Association working with small business office to propose lifting restrictions.
• Not allowing out of state travelers unless quarantined for 14 days after arrival.
• New Construction models can be shown by appointment.

DISTRICT OF COLUMBIA:
• Deeded Essential/Offices closed
• Showing one person with social distancing
• Business off about 40 to 50%
• Open houses virtual only
• COVID 19 Addendum drafted and about 1/3 utilizing document
• Drive by and parking lot closings
• Decided not to use hold harmless as it is addressed in their Buyer’s Agency Agreements
• Maryland has authorized electronic notary however lenders are not allowing

DISTRICT OF COLUMBIA UPDATE:
• Stay at home order still in effect until May 15, 2020.
• Governor putting together a committee with bordering states to create a plan to re-open.
• Can show homes to one couple and with an agent.
• 40 to 50% reduction in production.
• Last week was the best in the last six weeks.

MAINE:
• Board of directors meeting weekly
• All committees conducting meetings
• Online notary approved
• COVID 19 Addendum drafted
• Compliance with Governor’s orders is split
• Can show houses with restrictions
• No MLS Changes

MAINE UPDATE:
• Vote scheduled which should allow municipalities to operate under Governor’s orders scheduled today May 4, 2020.
• 60% Drop in “LISTINGS AND PENDINGS” with stringent closures.
• Still seeing about a 30% drop in transactions.
• With Governor’s orders, anyone traveling into Maine must quarantine for 14 days.
• When showing, must have mask, gloves, booties.
• Must live stream property to prospective buyers before showing.
• Board decided to donate some funds.

MARYLAND:
• Representative not in attendance.
MARYLAND UPDATE:

- Offices opening today May 4, 2020 with restrictions.
- Can show with signed form.
- 1 person with agent in the house.
- Governor starting to prepare plan to re-open.

MASSACHUSETTS:

- Representative not in attendance.

MASSACHUSETTS UPDATE:

- Representative not in attendance for update.

NEW HAMPSHIRE:

- Not essential at first, changed to the status of Essential after first week
- Pretty active real estate market
- 50% less listings but buyers are still out there 1.5x the rate of new listings.
- Under contract status 1½ to 1 listing
- Closings taking place in parking lots and cars
- COVID-19 Addendum drafted by State Association

NEW HAMPSHIRE UPDATE:

- Governor announces stay at home order 2.0
- Hospitals can perform elective surgery
- Offices can operate for processing transactions
- Restaurants can open with outdoor seating
- Parks, beaches and golf courses open with new restrictions

NEW JERSEY:

- Deemed Essential/Shelter in Place
- COVID 19 Addendum drafted by State Association
- Hold Harmless Addendum
- MLS changed through Bright to include Virtual Open Houses
- Unemployment questions where agents are unable to perform the weekly updates as required.
- Unable to confirm that any agent has received the denial form required from unemployment claim.
- Have not heard of any Fair Housing issues at this time
- Banks not signing Hold Harmless Addendum attached to contracts
- Most new listings coming on are vacant.

NEW JERSEY UPDATE:

- Golf courses and parks now open
- 1 person per cart and social distancing
• Not much guidance
• Some offices allowing agents to come back with restrictions

NEW YORK:
• Deemed Non-Essential
• Working virtual/can do video photography if vacant
• In-person only if legally necessary
• Closings still occurring
• Hold Harmless optional
• COVID 19 Addendum drafted
• There is a State dedicated website
• President’s call once per week
• 800 New Yorkers lost to COVID-19 each day
• No MLS changes
• Fair Housing an issue/cannot discriminate if person is infected with COVID-19

NEW YORK UPDATE:
• Not much changed since last report
• 5/15 date set to make determination
• Have not received much guidance
• Operating completely virtual

PENNSYLVANIA:
• State Association has been awesome
• Non-Essential/Complete shut down
• Tremendous tension
• Law suit originated against Governor
• Emergency Declaration until 4/30/2020 which could be extended
• COVID-19 Addendum drafted
• Contracts drafted before 3/18 can be completed
• Parking lot closings
• MLS which is Bright has added ability to market virtual showings
• Showing Time allowing face-to-face with sellers and buyers on their iPhone.
• Talking about real estate offices not needing so much space in the future
• Recommended checking your Insurance Policy for your office to see if it contains a provision for “Lost Income Coverage”
• R.E. Commission investigators and calling agents to see if they are complying with orders.
• Biggest challenge is getting to closing.
• Pre-settlement inspections are not allowed at this time unless contract was drafted before March 18, 2020
• E-notary approved but not all counties are using yet.
• Issue with crossing state lines to Delaware
PENNSYLVANIA UPDATE:

- Still non-essential
- Shut down
- State is color coded red, yellow, and green
- Counties with least population getting the Yellow which is limited opening.
- Required booties, masks, and gloves
- Coming up with new forms
- Phased opening undetermined
- Legislative action going on with the Governor
- Currently a Bill written by PA State Representative, Todd Polinchock is sitting on the Governor’s desk

RHODE ISLAND:

- Representative not in attendance.

RHODE ISLAND UPDATE:

- Rhode Island has been doing very well, as much as we can during this pandemic. Our state organization has kept close contact with our state leaders and have kept us informed at all times. With that said our Rhode Island Board of REALTORS® leaders have set up a hotline and a page on our RIAR/MLS page with all the answers to common questions from showings to unemployment questions, all related to Covid-19 to best inform all members. We are also informed through emails constantly as new information or procedures are happening.
  - Link to state association: https://www.rirealtors.org/covid19/
  - Link that provides state-specific updates: https://www.rirealtors.org/real-estate-related-updates/

VERMONT:

- Representative not in attendance.

VERMONT UPDATE:

- Representative not in attendance for update.

VIRGINIA:

- Has not been deemed Essential or Non-Essential
- Much of the State closed down until 6/10/2020
- 6 Different contracts
- COVID 19 Addendum and Release of Liability drafted
- Online notary approved
- Drive up settlements
- Financing issues such as VA adding points to the loan
- Credit score needs to higher
- Lending policy with tighter guidelines
• Drive by Appraisals
• Still showing with protective gear
• MLS creating forms
• Discouraged use of the Liability forms
• Property management rents reduced
• Corp leases are being re-negotiated
• Zoom meeting with board

VIRGINIA UPDATE:
• Essential
• Offices still closed
• Production volume is down about 35%
• Plans to reopen as May 8, 2020 with restrictions
• Governor speaking today with guidance
• Agents adapting to virtual real estate
• Following CDC guidelines
• Social distancing due to expire on June 10, 2020
• Seeing numbers of cases of COVID-19 increase in some counties especially near the Military Base in Virginia Beach.

WEST VIRGINIA:
• Deemed Essential
• Weekly Zoom meetings
• No changes to MLS
• Electronic notary approved
• Showings with protective gear
• ARELO is conducting a country wide survey

WEST VIRGINIA UPDATE:
• Representative not in attendance for update.

Additional Discussions:
• Issue with allowing prospective buyers to collaborate with sellers via their iPhone without a real estate agent present.
• Suggested that a buyer’s agent should always be present
• Remind buyer’s and seller’s that we as REALTORS® are still here for them.
• Asked how many states utilize a property disclosure
• Most did have some form but it varies as to whether they are mandatory and whether they are signed by the real estate agent.
• NY has an optional property disclosure and if the seller does not want to prepare they pay $500 at settlement.
• Asked PA representative knew if sellers are posting directly to Zillow. Answered that it may happen but all offers through the real estate agent.
• California has six different COVID-19 Addendums:
  o Property Entry
  o Seller to Assume Risk
  o Extension document
  o Trigger document
  o 2 Rental documents
• All representatives present today will send their COVID-19 forms to Dawn Bricker for inclusion into the notes. Then forwarded to Christian and Nikki.
• Will attempt to obtain information from States that did not have a representative present on today’s Zoom call.

Additional Updates:

• All attendees were asked to share any tips that are offered regarding re-opening.
• Mid-year meeting for Risk Management Committee scheduled for 5/13/2020 at 11:00am EST.
• Noted that times published for meetings may be expressed as Central Time Zone.
  o Recommended that we should remind attendees.
• Vendor to publish invite to live stream for our meeting.
• Shared that we can invite others to watch the live stream meeting.
NAR Risk Management Southeast Workgroup
Chairperson: Kelly Marks
Initial Call: April 21, 2020 at 2:05pm ET
Update Call: May 4, 2020 at 1:45pm ET
Via Zoom Call

Questions posed:

1. What is new in your area in response to the pandemic?
2. Has your state been deemed Essential or Non-Essential?
3. What challenges are you facing in your state?
4. Status of Online Notary in your State?
5. What forms have been drafted to address the issues we are facing?
6. How are you doing business in the State?
7. Has your MLS implemented any changes?

ALABAMA:

- Slade McElroy: State has COVID addendum which allows extensions. We have seen issues with cyber fraud so warning members about that. Business is good right now across the state. Remote notarization approved by the Governor temporarily. Had first all virtual closing with Realty South in Birmingham. Virtual showings have been very commonly requested. Statewide have suggested that we not do in-person open houses. Some local MLSs are removing the in-person open house and doing the virtual showings instead (ex. Facebook live). Practicing social distancing at any showings.

ALABAMA UPDATE:

- Slade McElroy: Real estate is almost business as usual here. Real estate doing well. From the get-go real estate deemed essential. Lots of agents putting in listings that you are required to wear masks, gloves, booties. Often showing agents only one allowed to touch anything in the home. In Montgomery County 372 new listings, 455 new closings. Buying happening and sight unseen is happening. Some of this was already happening before. Governor lifted stay at home last Thursday. Safer at home order now which means can leave but need to wear masks in public. Opened AL beaches, no gathering of more than 10 people, 6 ft. social distancing. Restaurants are still takeout. Hair salons and barber shops closed. AL residents driving to FL and GA restaurants/barber shops.
FLORIDA:

- Beverly Pindling: From central Florida; cyber security with title companies. They’d put in some security protocols prior to this. Most of closing done by remote notaries. Want notaries from local areas. When meeting in person using gloves and masks. A lot of online closings. New underwriting document for GAP coverage. In FL most real estate agents went to closing prior to this, but now since they closings are often not happening in an office you pick up your checks by meeting outside of the office or attend the closing by skype. Most showings happening online. Seems like certain generations of buyers sometimes hesitant to make this kind of purchase completely online.

- Matey Veissi: From south Florida and Florida RON state. We have about 60,000 licensees in Dade Co alone. Often older agents who are used to attending closing having to adjust to not being able to. Bigger offices have moved completely virtual. Have a lot of problems with wire fraud and cyber security so follow-up, follow-up, follow-up. Some buyers do want to go in the house but we are trying to do this virtually. Some issues with buyers not wanting to make an offer if they can’t go in a property. Seeing some appraisals from just outside and photos of inside and interview with owners.

FLORIDA UPDATE:

- Paula Cashi: Gone back to going to the beaches, few hours of parking and then have to leave. Have been showing property. Opened office maximum of 10 people at a time and social distancing and have to wear a mask in the office. Market soft but still very good. 40 transactions closed last month some based on just virtual showings.

- Beverly Pindling: Bars, gyms and restaurants (25% occupancy) open. Barber shops and nail salons phase 2. Brokers that are going out are wearing masks. Agents waiting a little longer to be working in the office. Still conducting showings virtually. Still conducting closings virtually. Up to 30 days off market in her area which is the same as before.

- Matey Veissi: Located in South Florida, Dade County. Can have remote notary but there are a lot of restrictions, 25k bond and 25k E&O, 2-hour course and video recording that you have to retain for 10 years so many don’t like it. A lot of closing still happening in person with parties coming in separately. Miami has established a virtual open house that seems to be working out well. Have seen more and more temporality off the market because seller doesn’t want to have to go through wiping down everything, masks, and gloves. 30-90 days for Miami MLS temp off market.

GEORGIA:

- Representative not in attendance.

GEORGIA UPDATE:

- Jim Smith: Most offices operating remote. Governor lifted stay at home last Friday. Not opening restaurants and movie theatres. Are opening salons and some services with very close contract. Courts have shut down which is causing issues with evictions and filings. With offices that are open/opening, operating differently. At Jim’s office they are operating with a skeleton crew, showing remotely where they can, prepping well in advance for showing in-person wearing
masks, not touching light switches, etc. having conversations outside and saying 10 feet away
during those. Jim is located in Macon, GA.

MISSISSIPPI:

- Kathy Whitfield: Real estate deemed essential, with appraisers and home inspectors. Home
inspectors a little hesitant to go into homes. Forms Committee developed 6 new forms:
residential lease changes, COVID addendum for listing, disclosure and waiver form and several
others. Using remote notary. Closings sounds similar to TN with drive-through and Zoom
closings. We did some of this prior to COVID. Are a few sellers that are very concerned with
people in their houses. Kathy’s company providing protective equipment to their clients a lot of
listing agents are providing it as well. Across the state each county is under the Governor’s
order. Allows remote notary.

MISSISSIPPI UPDATE:

- Kathy Whitfield: Very similar to AL. Deemed essential from beginning, as well as home
inspectors and appraisers. Home inspectors have been cautious. They have been very fortunate.
Our local board is 10 counties, 22,00 members. Ran numbers from marketing – 600 houses on
market March 15-April 30. Haven’t seen a huge downturn, had a lot of things already under
contract. More going under contract than coming on the market. For office openings, some
larger offices making sure to have less than 10 people at a time. Meeting customers in parking
lot. No mandate about masks in the state but are still seeing them. Expecting the Governor to
open more things on Monday, maybe restaurants. Retailers that are open are operating at 50%
capacity. Some cities are keeping some small business closed longer – like salons. Pet groomers
are open but hair salons are not. Agents are doing virtual open houses, but we are allowed to
show. Providing mask and gloves to clients. Seen a drop in the market in land sales and
assuming because that was a luxury purchase. Construction companies have changed some of
protocols after having to shut down temporarily.

- Tony Jones: From N. Mississippi. Does some developing. In the last week, saw three presales.
We had enough momentum to carry us through this point. May see this reflected in the next 30-
60 days. The weather has been nice and so there is lots of traffic especially in the past week.
Saw a slowdown in industrial construction. Had a temporary pause for inspections but that has
been resolved. Construction workers are out and not the same fear factor there.

NORTH CAROLINA:

- Tom Gongaware: Had a strong 1st quarter. Around March 15th drop 36% in showing activity
(Showing Time data) largely due to stay at home restrictions. Located in Wake County. In our
other metropolitan counties, we had different and often more restrictive orders than the
Governor’s. Live open houses strongly recommended against but are allowed in wake as well as
virtual open houses. MLS has many warnings about best business. We do not have RON, have
heard of some progress there.

- Kelly Marks: Located in Triad, central NC. NC made of 100 counties, several counties got ahead
of the Governor and issued their own stay at home orders. Attorney state. Guilford and
Mecklenburg counties (two large NC counties) real estate was limited to title and appraisal.
Pushed for changes to those orders with the County Commissioners. Then changes were made

in Guilford to allow real estate agents to participate in closing but could only go into a property if they had the property under contract. 2020 was running ahead of 2019 across the board. April 1-April 10th listings down over approximately 50%. Local county order did expire so now fall under Governor’s order. Most attorneys here are not allowing real estate agents in their offices. Most are mailing commission checks or charging a fee to wire.

- Caitlin Thompson: Governor declared real estate as essential. In NC, our Forms Committee adopted 2 new forms – COVID-19 Addendum to the Offer to Purchase and Contract and an Onsite Preview Addendum. Did have some concerns with misuse of COVID-19 Addendum but found lots of versions in circulation, so ultimately decided on a standard form. Do not have RON. Working on a legislative remedy to that and changes to the Good Funds Settlement Act requiring recording of a deed before disbursement of funds. In NC, many counties do not allow electronic recording. Definitely challenging having some of our metropolitan areas adopt more restrictive stay at home orders.

NORTH CAROLINA UPDATE:

- Tom Gongaware: Triangle, NC region seeing a nice amount of business. Best closing week this past week since end of February. Nice weather has had something to do with that. Prices are stable. Interest rates still low. In NC, under a stay at home until May 8th but most counties have let their stay at homes expire. Under Governor’s order real estate is essential. Can show property. Governor has laid out three phase reopening plan based on certain benchmarks. Phase 1 would allow more retail openings. Nice to see business continuing. Not seeing many low offers. Doesn’t expect offices to open this month but possibility after Memorial Day. Don’t sense a real desire to rush back in the office.
- Caitlin Thompson: NC State Association staff working remote since mid-March until at least June 1. Having discussions about what an office opening might look like. Governor is indicating he will move to Phase 1 starting May 8.
- June 1 there may be some types of re-opening offices.
- Trying to do virtual tours and meetings with clients.

PUERTO RICO:

- Jose Camacho: Pushing for RON. Still locked down here. Government will probably allow starting next week some opening of business. Everyone wearing masks and protective equipment. Have to be creative with business and be prepared to do this for a longer period of time. Banks are planning to open for closings just for signatures.

PUERTO RICO UPDATE:

- Jose Camacho: New protocol today for getting back to work. Using hand sanitizer, masks and will see how it goes. Less of the virus an outbreak here. Also had an earthquake here this week. Had to move a number of families into hotels. Closed the beaches and malls. Next Monday constructions will start again. Airport is still doing rapid test. Have curfews in place in the evening. Offices have been closed. Today moving to - office of no more than 10 people can’t have everyone in at time. Doing virtual showings. Some investors buying based just on virtual showings.
SOUTH CAROLINA:

- Colleen Coesens: Very strict regulations in Mecklenburg, NC which we share a border with created a lot of challenges for us in SC too. In SC, don’t have RON yet although working diligently with legislature on that. Don’t have a COVID-19 addendum yet and Forms and leadership has decided against. Showings have been happening although sellers don’t necessarily want agents in their home so they are wearing protective equipment. This is forcing us to embrace technology. Can’t tell a lot about MLS production yet but will know more at the end of April. Attorneys do title work so that hasn’t changed. Closings are not happening in offices.
- Byron King: Decided not to implement COVID addendum because of concerns with misuse. Had a number of FBI agents speak to us on wire fraud and cyber security - main thing to do is educate members.

SOUTH CAROLINA UPDATE:

- Colleen Coesens: Suspect opening of offices will happen anytime soon, maybe in the next two weeks. SC Association has been busy with calls with NAR and Governor’s office. Governor is doing a slow walk into this. Can go to a restaurant and eat outside. Talk is that the next 2 weeks we could go in and eat, but no talk of bars opening. Opening beaches by counties. Sales have been interesting are moving along. York County didn’t see a decline in March, but until we have all of April’s numbers we won’t know. Stay at home has been lifted. Myrtle Beach opened the beaches but not the parking lots which created huge issue. Evictions will resume May 15th. Now allowing virtual closing in SC but not notaries.

TENNESSEE:

- Kevin Wilson: Real estate deemed essential, new forms out to TN real estate agents allow a number of days to extend performance related deadlines, had some hold harmless forms as well. Title companies changing the way they do business; drive by closings; with attorneys in their offices. Governor has allowed virtual closings by Zoom, FaceTime, or WebEx. Consumer has to answer some verifying questions which had created some challenges.

TENNESSEE UPDATE:

- Representative not in attendance for update.

US VIRGIN ISLANDS:

- Representative not in attendance.

US VIRGIN ISLANDS UPDATE:

- Representative not in attendance for update.

Additional Discussions:

- Kelly Marks: Haven’t noticed increased concerns/changes in cyber fraud but have seen lenders acting very quickly in making changes to lending like increasing minimum credit scores.
• Colleen Coesens: RON changes by state. Would love to hear if states have some success with this.
• Kevin Wilson: In TN, title companies allowing consumer to choose the online platform for closing because of the security concerns.
• Kelly Marks: Any changes to E&O coverage that we are aware of due to showings and Stay at Home Orders? None from this group but would love to have feedback from the West group.
• Tom Gongaware: Interested to see what ARELLO is doing in all of this? Management of virtual agents and the risks involved with that.
• Matey Veissi: In FL, a lot of virtual agent firms where the brokers are held responsible for agents’ actions and are spending a lot of time in front of the Commission.
• Kelly Marks will gather any state forms to provide to Charlie Lee. NAR is working on compiling a list of all forms across the country.
• Meeting adjourned at 3:30pm EST.

Additional Updates:

• None provided.
SOUTHWEST WORKGROUP NOTES
Questions posed:

1. What is new in your area in response to the pandemic?
2. Has your state been deemed Essential or Non-Essential?
3. What challenges are you facing in your state?
4. Status of Online Notary in your State?
5. What forms have been drafted to address the issues we are facing?
6. How are you doing business in the State?
7. Has your MLS implemented any changes?

ALASKA:

- They have several documents in regard to Covid-19 for their members. Only two people plus the agent are allowed in the house for showings. Buyer must be pre-qualified. Buyer must fill out a health questionnaire. Curbside closings/ tent closings.

ALASKA UPDATE:

- No update provided.

ARIZONA:


ARIZONA UPDATE:

- No update provided.

ARKANSAS:

- Wire fraud documents are available through the State Association for members use. There was a case just two weeks ago where an elderly couple lost $200,000 due to wire fraud. Title Company e-mail was hacked. Attorney for State Association created a “Covid-19 clause” to be used with
contracts. Showings are still conducted but with masks, hand sanitizers and gloves. Curbside closings with only the buyer or seller. Real estate agent can be across the parking lot.

ARKANSAS UPDATE:

- No update provided.

COLORADO:

- Governor declared real estate to be an essential business early on and then it was rescinded. He has now given permission for showings to start again on April 27th. They have remote notaries, but lenders aren’t receptive. Cyber security – some Title companies will not accept wire funds. Bar Association created Covid-19 Addendums.

COLORADO UPDATE:

- Denver metro is seven counties
- State is no longer on lockdown
- Three counties won’t allow showing until May 8
- So many discrepancies from county to county and state to state
- They want the REALTOR® “R logo” on face masks
- Still unable to show properties in bigger areas
  - Sellers are doing videos themselves

LOUISIANA:

- State Addendums on wire fraud and training from State Association. Governor declared real estate an essential business. State Association has recommended no open houses. They do not have remote notary.

LOUISIANA UPDATE:

- No update provided.

NEW MEXICO:

- They have remote notary if needed. Curbside closings with clients only. They have seven Covid-19 Addendums and 2 for rentals. They have Hold Harmless and Sight Unseen documents for their members. They have several wire fraud documents.

NEW MEXICO UPDATE:

- No update provided.

OKLAHOMA:

- Their MLS has put out forms for Covid-19. Real Estate Commission creates their forms. But nothing on Covid-19. There are currently several podcasts and Zoom meetings on Covid-19 with training and updates. They have a mixture of curbside closings and office closings but with
precautions. Real estate was declared an essential business. Recommendation to do virtual open houses only.

OKLAHOMA UPDATE:

- Nothing new to add
- Real estate was deemed an essential business from the start

TEXAS:

- They have a Covid-19 Addendum that is being used. Real estate has been declared an essential business. Wire fraud has been a subject of discussion and training for a long time. They are doing Virtual Open Houses only. They have developed proprietary technology for live streaming open houses - 360 tour with Ricco camera. They have Covid-19 documents for Residential and Commercial properties.

TEXAS UPDATE:

- MLS adjustments – virtual tour sessions
- No changes with wire fraud
- No new forms

Additional Discussions:

- None

Additional Updates:

- None
NAR Risk Management West Workgroup
Chairperson: Lori Namazi
Initial Call: April 17, 2020 at 11:30am CT
Update Call: May 4, 2020 at 3:15pm CT
Via Zoom Call

Questions posed:
1. What is new in your area in response to the pandemic?
2. Has your state been deemed Essential or Non-Essential?
3. What challenges are you facing in your state?
4. Status of Online Notary in your State?
5. What forms have been drafted to address the issues we are facing?
6. How are you doing business in the State?
7. Has your MLS implemented any changes?

CALIFORNIA:

- Stay in place orders: California has a statewide order by the Governor that all living in the State of California stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure as outlined at https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19. The Governor may designate additional sectors as critical in order to protect the health and well-being of all Californians.
- C.A.R. and local Associations lobbied the Governor’s office and achieved the designation of real estate brokerage as critical.
- REALTOR® organizational support: C.A.R. immediately created a dedicated website for a central repository of information vital to adapting to COVID-19 reality: https://www.corovidupdates.org/your-transactions. Local associations and MLS’s have provided ongoing support via webinars; Zoom sessions, marketing materials, and classes.
- Safety of clients, agents, affiliates and public C.A.R. produced “Guidelines for Real Estate Best Practices During COVID-19” to guide Brokerages and Agents to assist in the safe practice of real estate, enabling agents and brokers to demonstrate care for the health and well-being of clients, colleagues and the greater public welfare in reducing the risk of exposure to, and spread of, COVID-19, while providing the essential services of residential and commercial real estate recognized by the Department of Homeland Security as being necessary for the maintenance of America’s Critical Infrastructure.
- Documentation production/revisions: C.A.R. produced documents as addenda to new and amendments of existing transactions to accommodate Best Practices. Several of these forms have now been updated today (04/17/2020) responding to changes in the market or agent experiences.
• MLS’s have adapted their rules to the current environment regarding availability of virtual tours and other marketing opportunities.
• Affiliated services:
  • Lending: Pre-approval Letters may not remain valid as market rates and terms fluctuate.
  • Appraisals: may or may not be discounted to how the lender predicts the future of the market.
• Occupancy by buyers: There is a moratorium on evictions in the State of California and the courts are essentially closed, so sellers may not be able to deliver occupancy to the buyer of tenant occupied properties. Plans of sellers may not come to completion, making it impossible to move as per the terms of the contract.
• Deposit disputes are a common result of the buyer not performing.
• Cooperation/coherence among brokerages: A concerted effort has been made to reconcile forms and use the C.A.R. forms to avoid the proliferation of documents to cover the same issues by different brokerages.
• Professional Standards and Mediations: Adapting to remote hearings has been controversial and inconsistent.
• Legal system is at a standstill. Brokers have closed transactions without issue, but we're not opening any new transactions. We're holding showings, but not getting any, which is probably for the best. It looks like California might come to a complete stop. I've been doing webinars and teaching through Zoom, and attendance is off the charts. Agents and brokers are adjusting and adapting to online very well.
• CAR has multiple forms for COVID, addendums to the listing agreement and the purchase contract. San Diego area, the CAR forms have been adopted pretty generally, local association meetings, they agreed to use the forms and follow the practices. There is an issue with deposit disputes. In California you cannot evict, so there's an issue getting sellers out of the property. Buyers and also appraisers are reducing values in anticipation to what the prices might be in the near future. Vacant houses have an issue, the question of who should be doing the clean sweep, wiping down surfaces, etc. New forms seem draconian in favor of the buyers with rights to cancel. CAR is creating forms on the fly, then adding revisions up to the day before. Buying and selling agent issues are both being addressed. CAR best practices are helping to comply with county requirements.
• Some areas have no evictions, and the court systems are basically shut down. Our professional standards are also having trouble meeting and performing their duties.
• Virtual tours are now being used successfully. Northern California has a COVID-19 Addendum, but listing agents say that if the addenda is part of the offer, the seller won't respond, because there's lots of competition in the Bay Area. Southern California says listings that were on the market, sellers don't want in-person showings, so they are suspending showings. Terms and conditions of contracts already in escrow are being abided by, but buyers are asking for more money concessions, just because they think it has shifted to a buyer's market. Counties and cities are all doing different regulations for Covid, which makes it difficult to understand and follow all of the requirements. Beaches have had law enforcement regulating social distancing, because people aren't following the guidelines.
• Counties are close, but they have different regulations. It is difficult to follow all the regulations for the different counties. I sent a survey to my colleagues, and no one is seeing any issues with wire fraud, but lots of phishing scams for the stimulus, and for loan scams. Brokers are not taking COVID seriously, once declared essential, brokers are doing whatever they want. Our
local association has issued some suggestions, but they are open to interpretation. County issues, the city of LA has very strict guidelines, more so than the County of LA, and so you have to verify where you are working to make sure you are compliant. City of LA does not allow any showings right now. In the Bay Area, they are also closed, no showings allowed.

- CA has been on Stay at Home orders since March 19th.
- Several Counties and even cities within counties have stricter orders.
- C.A.R. issued a Best Practices guide in March in response to the reclassification of real estate as essential.
- Moratoriums on evictions – some areas are very strict and won’t require repayment.
- One thing that may have helped us is that we do not have much public transportation, especially in SoCal.

Press release and emails associated with Scams for:
  - Forbearance
  - SBA loans – advance fees
  - PPP & EIDL
  - Stimulus checks
  - Loan Modifications
  - Hackers
  - Not hearing additional reporting of wire fraud though

Challenges brokers and agents are facing:
  - Staffing
  - Forecasting issues
  - Keeping agents focused on planning, building business after transition
  - Some agents not wanting to comply, not attending trainings to stay current on the dos and don’ts and new forms
  - Navigating the relief opportunities
  - Lack of having technology in place
  - Income/cashflow

Additional forms
  - Most are only using CAR forms
  - A few noted their attorneys drafted disclaimer stating it wasn’t their fault if someone gets sick, another hold harmless

Showings: By appointment only, offering CBS codes after PEAD form is signed and picture of buyer’s agent showing themselves with mask and gloves (when they are able) when requested by sellers. Some listing agents are still requiring showings in person if a buyer wants to offer. Agents are aware of COVID-19 prevention but reluctant to use it. Getting sellers to share their specific instructions on RLA with their desired showing protocol and if they refuse to show the property without a PEAD form we get that in writing on the RLA. In LA County, showings are not allowed.

Changes to the MLS:
  - Open House features eliminated
  - Virtual open house options
  - We have removed showing instructions for occupied listings as well as open house fields.
CALIFORNIA UPDATE:

- Webinars and Zoom meetings
- Force Majeure is being used a lot lately considering the circumstances
- He thinks everything will be fine
- Ex: some streets are now going to be quiet street
  - How up to date do people need to be on urban planning?
  - These things may affect transactions post-covid
- #buildbackbetter is the hashtag being used
- There is a lot of tension between the major cities and the governor
- Opening is getting a bit more extended due to numbers
- With real estate, there has been a wall that the market has hit
- Lending is one of the big issues right now – people are apprehensive to lend
- Sellers are taking homes off the market

HAWAII:

- The State of Hawaii has been under a Stay at Home Order since March 25th. Individual counties have had their own mandates as well. All incoming visitors and residents to the state must quarantine for 14 days. The Stay at Home Order is in effect through April 30th. Real estate services in general are considered essential, so while it seems most offices have directed their agents to work from home, some of us continue to go to our offices. On Oahu, open houses are not being held, and we are encouraged to show properties virtually as much as possible. In person showings are still allowed and happening, albeit much less so. Most agents and clients appear to be wearing masks throughout showings, not touching knobs and handles directly, limiting the number of people at showings, and practicing social distancing.
- The understanding is that the overall effect on real estate here is about a week behind California.
- 1. Of course changes regarding in person signings of transaction, loan, and closing documents, have changed. We are using mostly digital signatures now between agents and clients, and escrows and lenders are using mobile notaries with social distancing measures for final signings. As far as I know, there are no new or additional measures being implemented by escrow or other entities specifically in response to the pandemic for cybersecurity and wire fraud here – there were already significant safety measures in place. My understanding is most entities here are not using online notaries, but I hear some are looking into it.
- 2. Our State Association has created a COVID-19 Addendum/Amendment to the Purchase Contract. Many of the larger companies have created their own addenda not only to the Purchase Contract, but in some cases to listing contracts, as well as created other forms. The Honolulu local board has created a form notice of essential business that agents can use. Our MLS has provided for virtual showings and open houses to be conducted in real time. Our MLS has disabled the open house scheduling feature for now.
HAWAII UPDATE:

- Stay at home extended until end of May
- Virtual everything was encouraged
- Escrow signings were done with mobile notaries
- Buyers need to be pre-qualified before they are shown properties
- Only three people can be present at a showing, including the agent
- Addendum for covid was created
- No additional forms were created
- Governor is being slow
- 14-day quarantine for anyone that comes to the island
- Tourism is basically shutdown
- Unemployment went from 3% to high 30%
- The system broke in Hawaii – they had to develop a call center for unemployment
- Maui and Oahu are restricted
- Kauai is very restricted
- Hawaii Big Island has loose restrictions

IDAHO:

- Representative not present.

IDAHO UPDATE:

- Representative not present for update.

MONTANA:

- COVID has been a fairly minor issue here so far. Our governor was proactive with the stay at home order, likely through the end of April. State association was proactive as well helping to get us approved as an essential service. Local and state boards have released best practices for agents. Our market is still popping, we barely hear anything about the COVID-19 issues here. Our association has a COVID-19 form, but rarely used. Gloves and mask to do the notary at the car, so they don't enter the office. We are being careful and hoping it won't affect us too much.

MONTANA UPDATE:

- Representative not present.

NEVADA:

- CAR sent their COVID addendum that we have been using. Some brokerages have done their own. Real estate was declared essential, but later declared no showings with tenants, and no evictions. Las Vegas association now allows virtual open houses. Las Vegas mayor is opposed to the state shutdown, casino economy will likely take 6 months or more to reopen. State
association has allowed live classes by Zoom, which is great. I have seen that remote notary is allowed, but I don't know how much it is being used.

- Lots of video open houses, and video conference calls. There are still a lot of listings being taken. Our agents are still working, now remotely. Offices are closed to the public, but agents can work in the office. Our real estate division director is pushing with the governor to be essential. We are required to complete CE live, but Zoom classes are allowed temporarily. Agent renewals have been extended, they must pay on time, but we have a 90-day reprieve for required CE.
- Our governor shut the state down, however we are considered essential. More recently the governor put a stop to open houses, showing "tenant occupied homes" and no evictions. We can show vacant or owner occupied by appointment. New home builders are by appointment and will let you register your client online so you do not have to walk them in.
- CAR shared their Covid addendum with us and some large brokerages created their own.
- We can advertise virtual open houses. Many agents are doing matter port or video to show off their listings. Some title companies are offering virtual notaries. If you sign in person they ask only the signers show up, no agents. Some are even signing as much as they can online and only meeting in person for items that need notary.
- In Nevada we have to do twelve hours of live CE. The RE Division is allowing us to meet via zoom for live credit.
- Business is around 1/3 down. 40% of our economy is casino work. Once we open back up many casinos will take six months to a year to reopen.

**NEVADA UPDATE:**

- Stay at home extended to May 15
- You can play golf and pickle ball now
- Still the same otherwise
- No open houses, no tenant-occupied homes
- Half your CE is done in person, but now everything is being done by Zoom
- The board extended payment to May 1
- Title companies are doing curbside notary now – they are signing everything online, then they take the docs to the buyer/seller’s home with the notary
- Nothing has changed since nothing has opened up
- They have been considered essential from the beginning
- No guidelines until May 15 – shelter in place until then
- Agents allowed to go into office, but it is not open to public.

**OREGON**

- Governor Brown – State-wide Stay Home/Save Lives (effective date - March 23rd), no end date
- Real Estate – listed as an essential service
- Strict Social Distancing Guidelines
- No Open Houses (all MLS’ in State)
- Virtual tours and open houses available and increasing - matter port
- Limited showings and strict social protocols (no more than 3 in-house and 6’ apart at all times – By Appointment Only.
• Market is in Motion – listings and sales moving forward much slower pace
• Our Company Offices – closed. All management, staff and agents working remotely from home. Increased trainings, CE, certifications and resources and tools.
• Company Forms – COVID-19 General Advisory, Listing / Sales Addendums, Wire Fraud
• OAR – Seller & Buyer Advisory (COVID-19), Wire Fraud, Seller/Buyer Deferment Agreement (COVID-19)
• CE via virtual live trainings now allowed by the Agency during this time – temporary
• NAR resources and recommendations and forms
• Remote Notary being used but remote online notary not allowed by Oregon. The State Legislature, if called back to a short-session by the Governor, is indicating that it would approve such a change.
• Governors of Oregon, Washington and California announced a joint effort yesterday to work together to restart the economy – as we move forward through COVID-19
• "Stay at home, save lives" directive on March 23rd. We don’t have counties acting independently, it is a statewide declaration that real estate is an essential business. Social distancing requirements don’t allow more than three people, and must use sanitation and wipe things down. Our state has forms for buyer and seller, and companies have done the same. Showing addendums, listing, and buying addenda. All MLS’s in Oregon have removed the open house feature, but we can show property by appointment only, following strict protocols. We are about three weeks off from Washington, but right now we’re looking to the end of May for requirements to continue. Communication has been critical, "social distancing is not social disengagement". We have closed our offices, agents need permission to enter the office.

OREGON UPDATE:

• There is a hotline for members to reach out
• Protests in rural counties
• State of emergency extended until July 6
• They expect Phase 2 in mid-June
• New listings are 50% down
• They are still closing on houses

UTAH:

• Closing still in person, but many agents do not attend physically. Utah allowed online notary as of last year, 2019, but I haven't seen anyone using it yet.
• Our MLS created a COVID-19 addendum for closing delays, extending contract deadlines.
• Real estate was declared an essential service in Utah. No official guidelines provided beyond NAR’s guidelines.
• MLS has added virtual tour options.
• Volume this year March is up over 2019, April is down about 4% MTD. We see some showings, but we are open for business. Our governor is a past real estate agent, and so he is familiar with our issues. We do have a Stay at Home directive from March 27-May 1, but we are declared an essential service. New construction and model homes are all by appointment only. Open houses are not being done much, but we do have many virtual open houses happening a lot.
Nearly all new listings have a video walkthrough. I think this has improved our marketing. We have a COVID addendum from our MLS, but it is fairly open ended, so we are seeing that sellers are not accepting the COVID addendum, they want specific dates. We do still have a lot of demand, transactions are closing, lots of multiple offer situations in the mid-range. Agents and sellers are complying with best practices. Showings with all doors open and lights on, so that people don't have to touch anything. Sanitize before you enter, and after you leave. We do have a "stay home, stay safe" order, but we are not shut down. However, Park City area has had a lot more COVID cases, and they have shut down completely in Summit County. There is only virtual work being done there. The Utah association CEO has been very proactive in making all members aware of the PPP options, and the disaster relief options through the CARE act, so agents have been able to take advantage of those opportunities. Unemployment, we haven't seen the affect as much, but we are seeing that coming down the pipe. No new forms have been used for people putting offers on a property sight unseen, because the due diligence contingency already covers it on our forms.

**UTAH UPDATE:**

- Restrictions were lifted a bit
- Real estate was an essential service
- Orange moderate risk is now what is allowed
- Meetings of 20 or less are allowed
- In-restaurant dining is now allowed if following certain protocols
- Some agents have said their appraisers are low-balling values because they expect values to flatten out or diminish
- All testing centers for real estate licensing were shut down
- Sales numbers are good – 2% up for April over last year
- Association has been doing a lot of Zoom meetings
- State Association has a legal hotline
- People are still hesitant when things open

**WASHINGTON:**

- Real estate is not an essential business, we are forced to work from home. On showings, only two people allowed at a time, by appointment only. The market is still good, but we have seen a drop-off. I've been working with unemployment assistance programs to increase and apply to members. We're hoping to see agents sign up for that. Agents are having anxiety about how to survive when they are on a stay at home order and can't work. Construction is also not allowed, so their projects are having difficulty progressing. The force majeure form was made by the MLS, but they are now trying to reduce its use as we move out of this. Offices are filling out forms for unemployment assistance, and we haven't seen any of the federal unemployment stimulus yet.

**WASHINGTON UPDATE:**

- Phone lines are overloaded – 30,000 calls per day
- State budget will be $7 billion in the red come January 2021
- Governor is doing a 4 phase back to work plane
• Phase 1 begins June 1
• Phase 3 in the fall is where 50 people can meet
• No new buildings – but current buildings can still be built
• One buyer and one real estate agent allowed in the house at a time
• They are trying to raise it to two buyers at a time

**WYOMING:**

• No update provided.

**WYOMING UPDATE:**

• Representative not present for update.

**Additional Discussions:**

• Per NAR Staff: States are now starting to roll out the federal assistance for unemployment compensation. Some states are requiring applicants to fill out the state form first, and then if they are denied, then they can apply for the federal assistance.

**Additional Updates:**

• Each state has different restrictions, so a general checklist may not be helpful
FORMS AND ADDENDUMS
<table>
<thead>
<tr>
<th>STATES</th>
<th>ADDENDUM/FORM (Y/N)</th>
<th>FORM TYPES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>N</td>
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<tr>
<td>Alaska</td>
<td>Y</td>
<td>• Covid-19 Amendment to the Purchase and Sale Agreement</td>
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<td>• Covid-19 Consumer Disclosure</td>
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<td>Arizona</td>
<td>Y</td>
<td>• Wire Fraud Advisory</td>
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<td>• Coronavirus/Covid-19 Addendum</td>
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<td>• Cyber Security and Wire Fraud Policies and Procedures</td>
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<td>• Model Covid-19 Certification for Property Access</td>
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<tr>
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<td>• Sample Preparedness Plan for Circumstances Relating to Covid-19</td>
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<td>• Ten Open House Precautions in the Era of Covid-19</td>
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<td>Arkansas</td>
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<td>• Closing Delay Form</td>
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<tr>
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<td>• General Addendum</td>
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<td>• Covid-19 Addendum</td>
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<td>California</td>
<td>Y</td>
<td>• Coronavirus Addendum/Amendment</td>
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<tr>
<td></td>
<td></td>
<td>• Guide for Open Houses and Showings</td>
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<td>Colorado</td>
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<td>Connecticut</td>
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<td>• Advisory Notice to Buyers and Sellers of Real Estate Related to Covid-19</td>
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<td>• Sight Unseen Addendum</td>
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<td>• Addendum Real Estate Purchase Contract</td>
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<tr>
<td>Delaware</td>
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<td>• Covid Related Delay Addendum</td>
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<td>• Advisory Guidance for Safe Practices for Property Management Office and Rental Agents for Residential Landlord Tenant Rentals in Delaware to Comply with the State of Emergency as declared for our safety by Governor Carney</td>
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<tr>
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<td>• Advisory Guidelines for Safe Practices for Property Management Companies and Owner managed Residential Landlord Tenant Code Properties in Delaware to Comply with the State of Emergency for our safety by Governor Carney</td>
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<td>• Advisory Guidance for Safe Practices for Real Estate Agents in Delaware handling Short Term Rentals to Comply with the State of Emergency declared for our safety by Governor Carney</td>
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<tr>
<td>State</td>
<td>Available</td>
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</table>
| Florida      | Y         | • Advisory Guidance for Safe Practices for Real Estate Agents in Delaware to Comply with the State of Emergency Declared for our safety by Governor Carney  
• COVID-19 Related Delay Addendum  
• Addendum to Listing Agreement for COVID-19 Concerns |
| Georgia      | N         | Some forms have been created, but NAR has not received them                       |
| Florida      | Y         | • Extension Addendum  
• In Person Acknowledgement  
• Coronavirus (COVID-19) Extension Addendum to Contract  
• COVID-19/Coronavirus In-Person Access Acknowledgment |
| Hawaii       | N         | Some forms have been created, but NAR has not received them                       |
| Idaho        | Y         | Covid-19 Addendum                                                                |
| Illinios     | Y         | • Chicago Addendum to Purchase and Sale Contract                                  |
| Indiana      | N         | Indiana has prepared forms, but NAR has not received them                        |
| Iowa         | Y         | COVID-19 Addendum                                                                |
| Kansas       | Y         | • Official Practices and Guidelines for Real Estate Professionals under Covid-19 Stay at Home Ordinance  
• Coronavirus Addendum/Amendment  
• Coronavirus Release and Hold-Harmless Agreement |
| Kentucky     | N         |                                                                                   |
| Louisiana    | Y         | • Sample Clause / Language to Protect a Seller Who Can’t Complete Repairs due to Conditions Caused by the Coronavirus  
• Act of God / Force Majeure Addendum |
| Maine        | N         |                                                                                   |
| Maryland     | Y         | Covid-19 Related Delay Addendum  
• Buyer Hold Harmless |
| Massachusetts| N         |                                                                                   |
| Michigan     | N         |                                                                                   |
| Minnesota    | N         |                                                                                   |
| Mississippi  | Y         | • Covid-19 (Novel Coronavirus) Addendum  
• Covid-19 (Novel Coronavirus) Addendum To Exclusive Authorization and Right to Sell Listing Agreement |
| Missouri     | Y         | • Listing Contract COVID-19 Rider/Amdendment  
• COVID-19 Amendment to Sale Contract |
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<tr>
<th>State</th>
<th>Form Status</th>
<th>Forms Available</th>
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<tr>
<td>Montana</td>
<td>N</td>
<td>Forms have been created, but NAR has not received them</td>
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<td>Nebraska</td>
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<td>Automatic Extension of Closing Date Addendum</td>
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<td>Nevada</td>
<td>N</td>
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<tr>
<td>New Hampshire</td>
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<td>New Hampshire drafted a Covid-19 Addendum, but NAR has not received form</td>
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<td>New Jersey</td>
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<td>Addendum Regarding Coronavirus</td>
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<td>Sellers’ and Buyers’ Hold Harmless and Release Regarding Covid-19</td>
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<td>Landlords’ and Tenants’ Hold Harmless and Release Regarding Covid-19</td>
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<td>New Mexico</td>
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<td>Coronavirus Addendum/Amendment to Residential Purchase Agreement – 2020</td>
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<td>Coronavirus (Covid-19) Hold Harmless Agreement – 2020</td>
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<td>Coronavirus Addendum/Amendment to Property Management Agreement – Residential – 2020</td>
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<td>Coronavirus Addendum/Amendment to Listing Agreement – 2020</td>
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<td>Covid-19 In-Person Viewing/Inspection of Property Information Sheet and Acknowledgment – 2020</td>
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<td>Covid-19 Seller(s) and Buyer(s) Hold Harmless Agreement 2020</td>
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<td>Remote Viewing and Sight Unseen Hold Harmless Agreement - 2020</td>
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<td>North Carolina</td>
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<td>Covid-19 Addendum</td>
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<td>Onsite Preview Addendum</td>
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<td>North Dakota</td>
<td>N</td>
<td>No new forms adopted</td>
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<tr>
<td>Ohio</td>
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<td>Oklahoma</td>
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<td>Greater Tulsa Association of REALTORS® Listing Agreement Covid-19 Amendment</td>
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<td>Amendment to Uniform Contract of Sale of Real Estate (Residential)</td>
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<td>Coronavirus Addendum</td>
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<td>Disclosure to Seller or Buyer of Brokerage Duties, Responsibilities, and Services</td>
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<tr>
<td>Oregon</td>
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<td>• Forms have been created, but NAR has not received them</td>
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<tr>
<td>Pennsylvania</td>
<td>Y</td>
<td>• Covid Addendum to Agreement of Sale</td>
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<tr>
<td>Puerto Rico</td>
<td>N</td>
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<tr>
<td>Rhode Island</td>
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<td>• Covid-19 Amendment to Purchase Sales Agreement</td>
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<td>• SC has decided against creating a Covid-19 addendum</td>
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<td>South Dakota</td>
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<tr>
<td>Tennessee</td>
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<td>Texas</td>
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<td>• Covid-19 Addendum</td>
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<td>• Commercial Covid-19 Addendum</td>
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<td>• Commercial Lease Rent Forbearance Agreement</td>
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<td>• Covid-19 Lease Payment Plan Agreement</td>
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<td>• Model Covid-19 Certification for Property Access</td>
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<td>• Model Covid-19 Certification for Rental Property Access</td>
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<td>US Virgin Islands</td>
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<tr>
<td>Utah</td>
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<td>• Covid-19 Addendum to Real Estate Purchase Contract</td>
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<tr>
<td>Vermont</td>
<td>N</td>
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<tr>
<td>Virginia</td>
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<td>• Central Virginia Regional MLS Covid-19 Addendum</td>
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<td>• Central Virginia Regional MLS Notice of Quarantine or Closure Regarding Covid-19</td>
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<td>• Central Virginia Regional MLS Notice to Proceed to Settlement Regarding Covid-19</td>
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<td>• Covid-19 Lease Rent Alteration Amendment</td>
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<td>• Covid-19 Rules and Regulations</td>
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<td>• Covid-19 Addendum</td>
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<tr>
<td>Washington</td>
<td>N</td>
<td>• There have been forms created, but NAR has not received them</td>
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<tr>
<td>Washington, DC</td>
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<td>• Covid-19 Addendum has been drafted, but NAR has not received it</td>
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<td></td>
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<td>• Decided not to use hold harmless agreement</td>
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<td>Wisconsin</td>
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<td>Wyoming</td>
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<tr>
<td>Northwest MLS</td>
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<td>• Force Majeure and Closing Addendum to Purchase and Sale Agreement</td>
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<td>• Legal Bulletin No. 218 Force Majeure</td>
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<td>Redfin</td>
<td>Y</td>
<td>• Addendum to Extend Contractual Deadlines Due to Disruption of Typical Services</td>
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<td>• Addendum to Extend Closing due to Covid-19</td>
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