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Real Estate Best Practices Guidelines and Prevention Plan for Showings During COVID-19 - Stage 2 Expansion

The CALIFORNIA ASSOCIATION OF REALTORS® offers these Best Practices Guidelines and Prevention Plan for Showings to assist you in the safe practice of real estate. Following these guidelines will enable REALTORS® 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.

These guidelines are consistent with Governor Newsom's stay-at-home order issued March 19, 2020, and incorporate the directives of the California Departments of Public Health and Industrial Relations (Cal/OSHA) "COVID-19 INDUSTRY GUIDANCE: Real Estate Transactions" (hereinafter "DPH Guidance") in effect during the Stage 2 Expansion of the "Resilience Roadmap" (as updated on May 12, 2020).

⚠ Check Your City or County for More Restrictive Local Shelter-In-Place Orders

If a city or county in which you do your business activity has an order with a more restrictive standard regarding what qualifies as an essential service, or more restrictions on activities, those guidelines will still govern the activities of a licensee. In other words, if there is a more restrictive local order, it must still be followed. That order may prevent or limit your ability to conduct real estate activity.

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Best Practices Guidelines and Prevention Plan for Showings

Showing Properties: Prevention Plan and Entry Rules

✔ Establish a written COVID-19 "Prevention Plan" to be followed by agents who show properties. Regularly evaluate compliance with the plan and document and correct deficiencies identified. This entire document, the "Best Practices Guidelines/Prevention Plan for Showings" (C.A.R. Document BPPP) (hereafter "Prevention Plan"), may be used for this purpose if adopted by the brokerage as a Prevention Plan. (See the section entitled "Prevention Plan" at the end of this document).

For Visitors

✔ All persons entering a property shall agree in writing to adhere to the "Posted Rules for Entry" (C.A.R. Document PRE) at all times as a condition of entry before showing the property as follows:

- Prior to entering a property, all persons must have already signed a Coronavirus Property Entry Advisory and Declaration - Visitor form (C.A.R. Form PEAD-V) and delivered a copy of that signed form to the listing agent. By signing the PEAD-V, the person entering the property agrees to the Posted Rules for Entry.
- The PEAD-V form includes a reference to these "Best Practices Guidelines/Prevention Plan for Showings" acknowledging that clients, appraisers, inspectors, stagers, buyers' agents and contractors have received and agreed to them prior to entering the property.
- Any person entering a property shall provide by declaration that to the best of their knowledge, they are not currently afflicted with, and have not knowingly, within the last 14 days, been in contact with someone afflicted with, COVID-19; they are not experiencing a fever, or signs of respiratory illness such as cough, shortness of breath or difficulty breathing, or exhibit other COVID-19 symptoms; and they understand that persons may be afflicted with COVID-19 and **(i)** not exhibit symptoms, **(ii)** not be aware that they are afflicted or **(iii)** may not voluntarily agree to disclose their condition.
- Further, any person entering the property will inform the listing and buyer's broker if, after the date this document is signed, there is a change in their health condition or knowledge that potentially puts others at risk or invalidates the representations made.
- All persons visiting a property will:
  - Wash their hands with soap and water or use hand sanitizer upon entry and before touring or inspecting the property.
  - Wear a protective face covering or mask.
  - Practice social distancing by keeping at least six feet between themselves and others and not gathering in groups.
  - Avoid touching surfaces or items in the Property. All persons on property for in-person showings should avoid touching knobs, faucets, toilets and toilet handles, light switches, garage door opener buttons, handles and pulls, alarm system controls, fan pulls, remotes, thermostats, switchboxes, gates and gate latches, window locks and sashes, pool coverings, counters, doors, sinks, cabinet handles and other such items. If a person entering the property believes it necessary to touch surfaces or items in the property, they shall consider the risks of doing so first.
  - After viewing the Property, discard any disposable gloves, face coverings, or shoe coverings worn during the visit.
  - Exercise care to protect themselves, and assess their own risks, by considering their age, underlying health conditions, recent travel, possible exposure to COVID-19, doctor's recommendations, and local, State and Federal recommendations.
  - Follow all Federal, State, and local laws and Stay at Home Orders, even though such laws and orders may be changing rapidly.

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- ✔ The listing agent, if any, must post the Posted Rules for Entry, which must be clearly visible and displayed at the entrance of the property.
- ✔ These Posted Rules for Entry or a link to them should be part of online public and MLS listings. This shall be made available by the listing agent, if any.

For Sellers

- Additionally, sellers shall provide by declaration that to the best of their knowledge, they are not currently afflicted with, and have not knowingly within the last 14 days, been in contact with someone afflicted with COVID-19; they are not experiencing a fever, or signs of respiratory illness such as a cough, shortness of breath or difficulty breathing, or exhibit any other COVID-19 symptoms; and **(i)** they understand that persons may be afflicted with COVID-19 and not exhibit symptoms, **(ii)** may not be aware that they are afflicted, or **(iii)** may not voluntarily agree to disclose their condition.
- Further, the seller will inform the broker if, after the date the form is signed, there is a change in their health condition or knowledge that potentially puts others at risk or invalidates the representations made.
- Sellers should be made expressly aware of the risks of showing and permitting visitors onto the property: that it may be dangerous or unsafe and could expose them or others to COVID-19.
- For these above declarations the Coronavirus Property Entry Advisory and Declaration - Seller form (C.A.R. Form PEAD-S) may be used.
- Sellers should be advised of their responsibilities pertaining to COVID-19 protocols regarding social distancing and other guidance from the California Department of Health. (The “Listing Agreement Coronavirus Addendum or Amendment” (RLA-CAA) may be used for this purpose.)
- The agreement of the seller allowing any person entering onto the property or into the dwelling should be expressly obtained from the seller. Apart from marketing and pre-marketing activities, a standard purchase agreement grants the buyer broad discretion to conduct various inspections and investigations. The seller should be apprised of their obligations under the purchase agreement so that they enter into such agreements with a clear understanding of the attendant risks. (The “Listing Agreement Coronavirus Addendum or Amendment” (RLA-CAA) may be used for this purpose.)
- The listing agent or brokerage has ultimate responsibility to ensure that the property is cleaned and disinfected before and after each showing. (See the section on “Cleaning and Disinfecting Protocols for Shown Properties per the DPH Guidance” below as to what cleaning is required).
- A seller may authorize the broker to hire, in seller's name, a service to clean and disinfect the property which seller will pay for. (Form RLA-CAA may be used for this purpose). If current occupants are present and/or participate during the showings, in accordance with their legal rights, they should adhere to the same standards regarding physical distancing and property cleaning and disinfecting protocols, and promote a safe environment for all persons present.

Showing Properties: Social Distancing

The following are the social distancing best practices that must be followed when showing properties.

Arranging Showings

- Do not hold open houses or showings which are open to the general public or on a walk-in basis; use an appointment or digital sign-in process to control the number of people in the house or property.
- Showings should be done virtually, whenever possible. Utilize virtual tours in lieu of open houses via digital technologies, social media, etc. in lieu of property showings whenever possible. If virtual tours are not feasible, limit the number of people present during showings.

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- Only a single agent and a “buying party” are to be in a dwelling at the same time during a showing. If other persons are necessary for a showing, they should wait outside or in their vehicles to observe the social distance guidelines. A “buying party” may be more than one individual buyer.
- If the size of the residential unit makes it difficult to maintain the six-foot distance for all parties attending the showing, individuals may need to wait outside and come into the property one at a time, at all times maintaining proper social distance.
- Show houses with occupants not present when possible. Sellers and tenants, in accordance with their legal rights, are to be advised that they should not be present within a dwelling at the same time as other individuals. Sellers are to be advised that they may remain on the property or in the common area of an HOA but not in the dwelling unit itself while agents, buyers, inspectors or others are viewing it.
- Agents conducting the showing should meet clients at the property and not drive the client to the property, so as to minimize risk.
- Consider limiting in-person, non-virtual showings to “serious” potential buyers, who are those who have provided verifications of funds and lender prequalification letters to show they are able to purchase the property that is the subject of the showing.
- Discourage anyone who does not need to view the property from attending a showing.
- Let the seller know well in advance that there is an appointment for a showing.
- For HOAs, have the seller obtain a copy of any new rules that may govern showings of common areas or entry to the property.

Viewing the Property

- Even though the client may have been already been informed, real estate licensees should remind clients to maintain physical distancing during showings and to refrain from touching handles, switches, pulls, etc.
- All persons on property for in-person showings should avoid touching knobs, faucets, toilets and toilet handles, light switches, garage door opener buttons, handles and pulls, alarm system controls, fan pulls, remotes, thermostats, switchboxes, gates and gate latches, window locks and sashes, pool coverings, and other such items.
- Real estate licensees or sellers/renters must open doorways or other areas of ingress and egress prior to in-person property showings to minimize clients touching surfaces. Agents should ask the seller to turn the lights on and leave drapes and blinds open. If the property is vacant, the agent should ensure these tasks are taken care of prior to showing.

Communications

- All information must be delivered electronically. Discontinue providing handouts or other types of promotional or informational materials.
- Avoid passing transaction materials such as pens, paperwork, and keys back and forth between employees and customers.
- Eliminate person-to-person contact for delivery of goods to physical offices. Avoid touching others' pens and clipboards.
- Discussions after the showing with the seller or clients should be conducted through electronic means such as email, telephone, Zoom or FaceTime, rather than in person, as maintaining a conversation while adhering to the social distance guidelines is difficult.

Provision of Sanitation Products and Protocols

- Persons entering the property must have available for use 1) hand sanitizer 2) sanitizing wipes and 3) face coverings. While all agents should have these products available for use by clients, the listing agent and broker have ultimate responsibility to ensure that the property is equipped with these items.

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- Real estate licensees should ensure shown properties are equipped with proper sanitation products, including hand sanitizer and sanitizing wipes, for use by employees and clients as needed.
- Provide clients, real estate licensees, and inspectors with face coverings and hand sanitizer. Place these items at the property entrance so that people can put them on before entering. Ensure disposable covers are properly discarded after use, for example in a trash bag that is sealed prior to disposal.
- All people entering a property, including agents, brokers, inspectors, and clients, must wash hands with soap and water or use hand sanitizer immediately upon entry and before touring or inspecting the property.

Responsibility for Cleaning and Disinfecting the Property

- Prior to and after concluding in-person showings, real estate licensees must disinfect mobility and safety fixtures on the property such as handrails and banisters.
- For the specific cleaning and disinfecting requirements to thoroughly clean properties both before and after showings, see the section below on “Cleaning and Disinfecting Protocols for Shown Properties per the DPH Guidance.”
- The listing agent or brokerage has ultimate responsibility to ensure that the property is cleaned and disinfected before and after each showing. (See the section below on “Cleaning and Disinfecting Protocols for Shown Properties per the DPH Guidance.” as to what cleaning is required).
- A seller may authorize the broker to hire, in seller's name, a service to clean and disinfect the property which seller will pay for. (C.A.R. Form RLA-CAA may be used for this purpose).
- If current occupants are present and/or participate during property showings, in accordance with their legal rights, they should adhere to the same standards regarding physical distancing, proper cleaning and disinfecting protocols, and promote a safe environment for all persons present.

Closing and Activities Outside of Showings

- Complete real estate transactions with all related parties *digitally, if feasible*. Maintain physical distance when in-person meetings are required with escrow agents, loan officers, mortgage brokers, etc. Meet in spaces that allow for at least six feet of physical distance, such as outside.

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Cleaning and Disinfecting Protocols for Shown Properties per the DPH Guidance

The following are the cleaning and disinfecting protocols for shown properties per the Department of Public Health Guidance.

- Thoroughly clean shown properties and disinfect commonly used surfaces including counters, door and cabinet handles, key lock boxes, keypads, toilets, sinks, light switches, etc. These surfaces must be cleaned and disinfected before and after each showing.
- Prior to and concluding in-person showings, real estate licensees must disinfect mobility and safety fixtures on the property such as handrails and banisters.
- During a showing, introduce fresh outside air, for example by opening doors/windows and operating ventilation systems.
- Instruct employees to wipe down and disinfect equipment that passes between employees and customers, including clipboards and keys, after each use.
- Provide time for workers to implement cleaning practices at shown properties during their shift. Cleaning assignments should be assigned during working hours as part of the employee's job duties.
- Real estate licensees should ensure shown properties are equipped with proper sanitation products, including hand sanitizer and sanitizing wipes, for use by employees and clients as needed.
- Provide face coverings and hand sanitizers to be placed at the property entrance so that people can put them on before entering. Ensure disposable covers are properly discarded after use, for example in a trash bag that is sealed prior to disposal.
- All people entering a property, including agents, brokers, inspectors, and clients, must wash hands with soap and water or use hand sanitizer immediately upon entry and before touring or inspecting the property.
- Adjust or modify showings to provide adequate time for proper cleaning and disinfecting. If the property is currently occupied, ensure adequate time to disinfect after occupants leave for showings and before and after clients view the property.
- If current occupants are present and/or participate during property showings, in accordance with their legal rights, they should adhere to the same standards regarding physical distancing, proper cleaning and disinfecting protocols, and promote a safe environment for all persons present. [In the DPH Guidance, this protocol is placed within the social distancing category same as above].
- The listing agent or brokerage has ultimate responsibility to ensure that the property is cleaned and disinfected before and after each showing.

Apart from showings and cleaning protocols the following are other recommended best practices.

- If a client meeting does take place face-to-face, all participants must adhere to social distancing rules. No physical paperwork should be exchanged. All signing and transmittal of documents should be electronic.
- Third party service providers must sign an agreement to follow the rules and protocols for entry (C.A.R. Form PEAD-V may be used this purpose) and shall receive a digital copy of the broker's “Prevention Plan” (This entire document, the “Best Practices Guidelines/Prevention Plan for Showings” may be used for this purpose if the broker has adopted it as a Prevention Plan). Under the DPH's Guidance, Stage 2 expansion the use of third-party providers such as stagers is legally permissible.
- Brokers may consider extending listings and putting a hold on marketing activities or other accommodations for those who, for health or other reasons connected to the COVID-19 virus, wish to stop actively marketing their property for the duration of the governor's stay-at-home order.

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- Complete real estate transactions with all related parties digitally, if feasible. Maintain physical distance when in-person meetings are required with escrow agents, loan officers, mortgage brokers, etc. Meet in spaces that allow for at least six feet of physical distance, such as outside.
- Discontinue shared vehicle trips between employees, contractors, clients, etc. Each party should travel in their own vehicle to offices, properties, or other locations that require in-person activities.

Checklist

Agents may use a checklist to ensure that the above protocols are adhered to. The DPH COVID-19 General Checklist for Real Estate Transactions may be used for this purpose which contains a specific checklist for the categories of (1) "Cleaning and Disinfecting Protocols for Shown Properties" and (2) "Physical Distancing Guidelines for Shown Properties" and can be found at https://covid19.ca.gov/pdf/checklist-real-estate.pdf.

Changes to Laws, Rules, Orders or Guidance

Any changes to laws, rules, orders or guidance promulgated after May 12, 2020 which conflict with these guidelines shall supersede them to the extent they conflict, and such changes shall be incorporated herein.

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Prevention Plan

- Brokerages must establish a written COVID-19 "Prevention Plan" to be followed by agents who show properties.
- The brokerage will regularly evaluate compliance with the plan and document and correct deficiencies identified.
- This entire document known as the "Best Practices Guidelines/Prevention Plan for Showings" is hereby adopted for this purpose as a "Prevention Plan."

Broker (Firm) ***Pacific Sotheby's International Realty***

DRE Lic. # ***01767484***

By Broker or Office Manager Rick Hoffman
Rick Hoffman

DRE Lic. # ***00428604***

Date: 05-27-2020

Address ***74-890 Highway 111***

City ***Indian Wells*** State ***Ca*** Zip ***92210***

I/WE ACKNOWLEDGE RECIPT OF A COPY OF THIS DOCUMENT. (The initials below are not required but can be used as evidence that the initialing party has received the document.)

Broker/Agent for Buyer/Tenant/Lessee (_____)(_____)

Buyer/Tenant/Lessee (_____) (_____)

Other Entrant (_____)(_____)

Broker/Agent for Seller/Landlord/Lessor (BW)(_____)

Seller/Landlord/Lessor (CLE) (CE)

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CALIFORNIA ASSOCIATION OF REALTORS®

CORONAVIRUS PROPERTY ENTRY ADVISORY AND DECLARATION − SELLER/OCCUPANT

(C.A.R. Form PEAD-S, 05/27/20)

Property Address(es) *319 S Sierra Madre, Palm Desert, CA 92260-2163*

1. **RISKS OF EXPOSURE:** The Coronavirus (COVID-19) pandemic is a worldwide risk to human health. COVID-19 is highly contagious, has a high mortality rate compared to many other illnesses and can spread easily. While people of all ages are at risk of catching COVID-19, persons with compromised immune systems and older persons may be at particular risk.
2. A. **GOVERNMENT ORDERS:** In order to reduce the spread of COVID-19, elected representatives and health officials from the State of California, as well as many California cities and counties have issued "Stay Home" Orders and other mandates and recommendations (collectively, "COVID-19 Directives"), limiting activities that can be engaged in by businesses and members of the public.
   B. **REAL ESTATE ACTIVITIES:** Under Federal and California guidelines, activities required to facilitate a real estate transaction are considered essential activities. Nevertheless, this designation does not make them free from COVID-19 risks or COVID-19 Directives. All persons must still practice "social distancing" and take all steps necessary to protect themselves and others. **In addition, some county and city orders are more restrictive than, and may take precedence over, Federal and State guidelines.**
   C. **SELLER AND OCCUPANT ADVISORY: Seller and occupant are advised that if you engage in any activities in violation of any COVID-19 Directives, you are acting against the advice of Broker. Brokers and Agents (i) will comply with COVID-19 Directives, notwithstanding any Party's instructions and (ii) will obey all Fair Housing laws while pursuing safe COVID-19 practices. Nothing contained in this form shall be construed to allow an activity that is otherwise prohibited by any law.**
3. **SELLER OR OCCUPANT ACKNOWLEDGMENTS: (i)** Seller or the occupant ("Signer") is voluntarily allowing someone to enter the Property; **(ii)** Signer has been advised that the Property shall be cleaned and disinfected before any persons are allowed to enter and after any such persons leave the Property. More information on cleaning and disinfecting can be found in the C.A.R. Best Practices Guidelines/Prevention Plan for Showings (C.A.R. Document BPPP); **(iii)** A set of rules for agents and entrants will be posted at the entrance of the Property and be clearly visible; and **(iv)** No written materials or brochures describing, advertising, or marketing the Property can be available on the Property. Signer authorizes Broker or agent to make such information available to entrants electronically.
4. **SIGNER REPRESENTATIONS:**
   A. You understand that allowing access to the Property for any of the purposes above may be dangerous or unsafe and could expose you or others to COVID-19 and that you are allowing or conducting those activities voluntarily.
   B. You represent that:
      (1) To the best of your knowledge, you are not currently afflicted with, and have not knowingly, within the last 14 days, been in contact with someone afflicted with, COVID-19;
      (2) You are not experiencing a fever, or signs of respiratory illness such as cough, shortness of breath or difficulty breathing, or other COVID-19 symptoms and;
      (3) You understand that persons may be afflicted with COVID-19 and: **(i)** not exhibit symptoms, **(ii)** not be aware that they are afflicted or **(iii)** may not voluntarily agree to disclose their condition.
   C. **You will inform Broker if, after the date this document is signed, there is a change in your health condition or knowledge that potentially puts others at risk or invalidates the representations made in this document.**
5. **EXCEPTIONS TO REPRESENTATIONS AND ADDITIONAL TERMS:** _____
6. **AGREEMENT, DECLARATION AND ASSUMPTION OF RISK:** By signing below, you are declaring the foregoing is true, that you agree to take all recommended and reasonable actions to protect yourself and others from exposure to COVID-19, and that you ASSUME THE RISK, of allowing someone to enter the Property. **You understand and agree that no one, including but not limited to real estate brokers and agents, can guarantee that you will not be exposed to or contract COVID-19.**

By signing below, you, the Signer, the person allowing entry to the Property, acknowledge that you have read, understand, voluntarily agree to the foregoing, and have received a copy of this Coronavirus Property Entry Advisory and Declaration.

Carl L. Easton (print name) — Carl L. Easton (signature) — Date 05-28-2020

Person allowing entry: [X] Seller, [ ] Occupant

Christine A. Easton (print name) — Christine Easton (signature) — Date 05-27-2020

Person allowing entry: [X] Seller, [ ] Occupant

(print name) — (signature) — Date

Person allowing entry: [ ] Seller, [ ] Occupant

05-27-2020 05-27-2020

(For record keeping purposes only)

I/WE ACKNOWLEDGE RECEIPT OF A COPY OF THIS SIGNED PEAD-S FORM. (The initials below are not required but can be used as evidence that the initialing party has received the completed form.)

Broker/Agent for Buyer (_____) Broker/Agent for Seller (BW) Seller (CLE) (CE)

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