



# FREQUENTLY ASKED QUESTIONS

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Revised May 21, 2021  
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## What is the “Healthy Washington—Roadmap to Recovery” Plan?

*(Revised May 14, 2021)* The “Healthy Washington – Roadmap to Recovery” plan is a county-by-county phased approach to reopening businesses, restaurants, sporting and social events throughout the state. The plan evaluates counties on various health metrics, including the rates of new COVID-19 cases and hospitalizations.

Effective Tuesday, May 18th, every county in the state will be in Phase 3 of the plan. Washington is moving toward a statewide June 30th reopening date and the full reopening could happen earlier if 70% or more of Washingtonians over the age of 16 initiate vaccination. Northwest MLS and Washington Realtors will publish updated information, including best practices for real estate brokers when the state fully reopens.

The latest information about the Washington State coronavirus response is available [here](#).

## What are the required protocols for any permitted in-person activity?

*(Revised May 21, 2021)* The Phase 3 protocols that must be followed for permitted in-person activities (previews, showings, listing appointments, inspections, walk-throughs, appraisals, etc.) include:

- In-person activities must be by appointment only;
- Face coverings are required to be worn at all times by real estate brokers, their clients, and industry partners unless the seller instructs otherwise (i.e. the seller explicitly allows fully vaccinated persons to not wear a face covering in the property);
- No more than ten (10) people, in addition to the broker, may be on site at any one time; and
- Those persons must strictly follow social distancing guidelines by remaining at least six feet apart at all times.

For any counties in Phase 2, no more than five (5) people, in addition to the broker, may be on site.

## What is the face covering requirement for fully vaccinated people?

*(Revised May 21, 2021)*

Washington has adopted the masking guidance issued by the Centers for Disease Control and Prevention (“CDC”). This guidance allows fully vaccinated people to no longer wear a face covering with certain limitations.

On May 21st, Governor Inslee issued a proclamation updating the “Healthy Washington - Roadmap to Recovery” plan and providing information regarding face coverings. In addition, the Department of Labor and Industries published guidance for employers regarding face coverings.

The following applies to real estate firms and face coverings in the office:

- Consumers visiting a real estate office:
  - ◇ Firms can require all consumers to wear a face covering;
  - ◇ Firms can allow consumers who are fully vaccinated to not wear a face covering after providing proof of vaccination; or
  - ◇ Firms can allow consumers who are fully vaccinated to not wear a face covering based upon the honor system.
- For brokers and employees in a real estate office:
  - ◇ Firms can require all brokers/employees to wear a face covering; or
  - ◇ Firms can allow brokers/employees who are fully vaccinated to not wear a face covering after (a) showing proof of vaccination; or (b) providing a signed document attesting to vaccination. The firm should maintain a log of persons who have verified that they have been vaccinated, including the method and date of verification.

The following applies to visits to a property (showings, inspections, appraisals, open houses, etc.) for brokers, clients, and industry partners (e.g. appraisers, inspectors, photographers, etc.)

- All persons must wear a face covering unless the seller instructs otherwise (i.e. the seller explicitly allows fully vaccinated persons to not wear a face covering in the property).

Note that, people are considered fully vaccinated:

- Two weeks after the second dose of the Pfizer or Moderna vaccine; or
- Two weeks after the single dose Johnson & Johnson vaccine.

## Summary of permitted real estate activities and related restrictions.

(Effective May 21, 2021)

Activity/ Requirement	Phase 2	Phase 3
In-person brokerage activities on site at the property	Permitted by appointment with no more than five (5) people on site, in addition to the broker, with strict social distancing and proper sanitation measures. Remote meetings are encouraged if possible.	Permitted by appointment with no more than ten (10) people on site, in addition to the broker, with strict social distancing and proper sanitation measures. Remote meetings are encouraged if possible.
Face Coverings	Required for brokers, clients, and industry partners for all in-person activities. A real estate firm or property owner may decide to allow fully vaccinated people to not wear a face covering at the office or in the property, subject to certain limitations and requirements.	
Open Houses	Permitted with no more than ten (10) people on site, in addition to the broker, with strict social distancing and proper sanitation measures.	
Limited Real Estate Office Openings	Remote meetings with clients are encouraged. Office capacity, including guests, limited to 25% or lower. Clients must make appointments for in-person services.	Remote meetings with clients are encouraged. Office capacity, including guests, limited to 50% or lower.
Counties	Adams, Asotin, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman, Island, San Juan, Skagit, Whatcom, Chelan, Douglas, Grant, Okanogan, Clallam, Jefferson, Kitsap, Mason, Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, King, Pierce, Snohomish, Grays Harbor, Lewis, Pacific, Thurston, Benton, Columbia, Franklin, Kittitas, Walla Walla, Yakima	

## Are In-Person Open Houses currently allowed?

*(Revised May 21, 2021)* Yes – limited, in-person open houses are currently permitted for Phase 2 and Phase 3 counties, provided that the occupancy restriction is strictly adhered to.

For in-person open houses, brokers must ensure that no more than ten (10) people are on site, in addition to the broker, and that all other required protocols are followed (face coverings, social distancing, sanitation, etc.) All persons must wear a face covering unless the seller instructs otherwise (i.e. the seller explicitly allows fully vaccinated persons to not wear a face covering in the property).

Firms should develop processes that brokers follow to ensure compliance, including the following:

- Post signs at the property (e.g. on the open house signs, at the front door, inside the property, etc.) alerting the public to the occupancy restriction and reminding the public to wear face coverings and social distance.
- All persons must wear a face covering unless the seller instructs otherwise (i.e. the seller explicitly allows fully vaccinated persons to not wear a face covering in the property).
- Brokers need to carefully monitor the number of persons on site at any one time and not admit more than the allowed number of persons into the property.
- Brokers need to constantly monitor the front door and potentially lock the door from time to time to prohibit additional persons from entering.
- Firms may consider assigning two brokers to an open house – one to stand outside and monitor the number of persons admitted to the property, and the other to be inside the property.
- Brokers must enforce the face covering requirement.
- Persons waiting to enter the property must social distance and wear face coverings.
- Clean and disinfect all surfaces, before and after the open house, and have sanitizer placed around the property.
- Because contact tracing in the event of an outbreak is important, brokers should maintain a sign-in sheet that includes contact information for all attending an open house.
- Please keep in mind that the firm and broker hosting an open house are at risk of criminal and civil liability for failure to fully comply with the required protocols.

## Can real estate firms open their offices?

*(Revised May 21, 2021)* Yes. Real estate firms can re-open offices located in a limited fashion, so long as the firm adheres to the many [required protocols](#), including requirements for [professional service offices](#). However, remote meetings with clients are encouraged and office capacity, including guests, is limited to 25% for Phase 2 counties and 50% for Phase 3 counties.

Real estate firms must ensure that all protocols are followed, including strictly adhering to the capacity limitation. Clients must make appointments for in-person services at real estate offices for Phase 2 counties.

The following applies to real estate firms and face coverings in the office:

- Consumers visiting a real estate office:
  - Firms can require all consumers to wear a face covering;
  - Firms can allow consumers who are fully vaccinated to not wear a face covering after providing proof of vaccination; or
  - Firms can allow consumers who are fully vaccinated to not wear a face covering based upon the honor system.
- For brokers and employees in a real estate office:
  - Firms can require all brokers/employees to wear a face covering; or
  - Firms can allow brokers/employees who are fully vaccinated to not wear a face covering after (a) showing proof of vaccination or (b) providing a signed document attesting to vaccination. The firm should maintain a log of persons who have verified that they have been vaccinated, including the method and date of verification.

Washington REALTORS® and Northwest MLS have developed resources that firms can use to safely open their offices in compliance with the required safety protocols. Of course, firms are not required to re-open and some may choose to delay re-opening until a later date. Firms may also choose to develop their own resources and plans to comply with the Governor's requirements.

The resources developed by Washington Realtors and Northwest MLS, available on their respective websites, include the following, all required by the Proclamation:

- COVID-19 Exposure Control, Mitigation, and Recovery Plan (required to be posted in the office)
- Entry door sign (required at the front door)
- Hygiene, sanitation, and related signs (required to be posted around the office)
- PowerPoint to assist with required training

## **What are some of the required protocols for re-opening a real estate office?**

*(Revised May 21, 2021)* If a real estate firm chooses to re-open, designated brokers should carefully review the requirements to ensure compliance with all protocols. No office facilities may open for operations until they can meet and maintain all the requirements, including providing materials, schedules, and equipment required to comply. Some of the protocols are:

- Remote meetings with clients are encouraged.
- Occupancy of the office, including guests, is capped at 25% of maximum capacity for Phase 2 counties and 50% maximum capacity for Phase 3 counties.
- Clients must make appointments for in-person services for Phase 2 counties.
- Post signage at the entrance requiring clients to wear face coverings.
- Maintain minimum six-foot separation between all persons in all interactions at all times.
- Arrange furniture to encourage social distancing.
- Consumers visiting a real estate office:

- Firms can require all consumers to wear a face covering;
- Firms can allow consumers who are fully vaccinated to not wear a face covering after providing proof of vaccination; or
- Firms can allow consumers who are fully vaccinated to not wear a face covering based upon the honor system.
- For brokers and employees in a real estate office:
  - Firms can require all brokers/employees to wear a face covering; or
  - Firms can allow brokers/employees who are fully vaccinated to not wear a face covering after (a) showing proof of vaccination; or (b) providing a signed document attesting to vaccination. The firm should maintain a log of persons who have verified that they have been vaccinated, including the method and date of verification.
- Provide personal protective equipment (PPE) such as gloves and face coverings to employees and independent contractors.
- Ensure frequent and adequate hand washing with adequate maintenance of supplies. Use disposable gloves where applicable to prevent transmission on office supplies or other equipment that is shared.
- Establish a janitorial schedule that includes frequent cleaning and sanitizing with a particular emphasis on commonly touched surfaces.
- Screen individuals for signs/symptoms of COVID-19 before starting work. Make sure individuals who are sick stay home or immediately go home if they feel or appear sick. Cordon off any areas where an individual with probable or confirmed COVID-19 illness worked, touched surfaces, etc. until the area and equipment is cleaned and sanitized. Follow the [cleaning guidelines set by the CDC to deep clean and sanitize](#).
- All on-site employees and independent contractors must be trained on the worksite's policies, these requirements and all relevant sanitization and social distancing protocols. They must also be trained about COVID-19 and how to prevent its transmission.
- A site-specific COVID-19 monitor shall be designated at each location to monitor the health of individuals and enforce the COVID-19 job site safety plan.
- Develop and post at each location a comprehensive COVID-19 exposure control, mitigation, and recovery plan. A copy of the plan must be available at the location and available for inspection by state and local authorities.
- COVID-19 safety information and requirements, such as CDC, DOH, OSHA posters and the employer-owner written policies for COVID-19, shall be visibly posted at each location.
- Authorized access to the business should primarily be through the front door.
- Face shields or sneeze guards should be placed throughout the worksite at all places of potential interaction between service providers and clients.

## Can brokers physically preview or show properties?

*(Revised May 21, 2021)* Yes. In-person previews or showings of properties are permitted if the required protocols are followed.

Previews or showings must be by appointment, a total of no more than ten (10) people, in addition to the broker, are permitted at the property at any one time, and those people adhere to strict social distancing guidelines. Any previews or showings should be conducted as expeditiously as possible.

All persons must wear a face covering unless the seller instructs otherwise (i.e. the seller explicitly allows fully vaccinated persons to not wear a face covering in the property).

Real estate brokers may not leave a third party unattended in a property. Accordingly, brokers may only bring ten (10) people at a time into the property. Sellers should vacate the property prior to any preview or showing appointment. In addition, listing brokers should stagger any preview or showing appointments to avoid any overlap.

In lieu of physically showing the property, brokers and buyers can utilize virtual tours and videos that are included with the listing. Brokers should also consider virtual showings.

For any counties in Phase 2, no more than five (5) people, in addition to the broker, may be on site.

### **Do brokers currently need to leave their business card when previewing or showing properties to comply with NWMLS Rule 180(a)?**

*(April 1, 2020)* Brokers, check with your local MLS - this is the NWMLS guidance:

Not at this time. To eliminate surface touches and the potential spread of germs, brokers do not currently need to leave a business card in listings when previewing or showing properties. Brokers must register with the keybox, which records the broker's entry into the property. Listing brokers can share keybox activity with sellers as frequently as practical and should make sure to "assign" the keybox to the listing. In addition, all previews and showings must be conducted by appointment, which provides sellers with prior notice of all entries into the property.

### **What if my buyer or seller has questions about their rights and obligations under their purchase and sale agreement or lease?**

*(Revised June 5, 2020)* As always, brokers have a duty to refer their clients to experts regarding matters in which the broker lacks expertise. Particularly in matters affected by COVID-19, the Stay Home, Stay Healthy Order, and the Safe Start Proclamation, it is unlikely that brokers will have expertise and should advise their clients to seek the advice of an attorney.

### **How do I to stay up-to-date with matters affecting real estate brokerage and avoid being misled by false rumors?**

*(March 26, 2020)* There are false rumors and misinformation being circulated. Many brokers have acted in reliance on bad information to their embarrassment and detriment. Washington REALTORS® and NWMLS communicate daily, and often more frequently to keep members informed of any developments affecting the industry. Both Washington REALTORS® website and NWMLS's websites will continue to offer the latest and most accurate information possible.