



## COVID-19 Resource for Real Estate Brokers

Updated: March 5, 2021



As leaders in our Texas communities, REALTORS® are committed to supporting the health and safety of our citizens. With that in mind, Texas REALTORS® urges all brokerages to follow [the minimum standard health protocols recommended by the Texas Department of State Health Services](#). Texas REALTORS® advises all members to use guidance from federal, state, and local health authorities, along with technology and other services when making decisions on opening offices for in-person or remote work, including showings and open houses. Brokers should additionally check with their MLSs for information regarding rule changes that have been implemented as a result of local conditions.

The following guidelines are designed to help brokerages navigate through the rapidly evolving circumstances associated with COVID-19. When determining how to address new issues, brokers should identify solutions that will best serve clients while also demonstrating care for the health and well-being of clients, agents, and the greater public to reduce the risk of exposure and spread of COVID-19.

### **Working with Clients**

- When working with clients, be sure to consider restrictions and protocols that are in place. While businesses are able to operate at full capacity and without restrictions, keep health and safety top of mind when conducting business. Communicate with clients to determine their needs and how you can meet those needs under your local regulations.
- Establish protocols for interacting with clients that meet the [minimum standard health protocols recommended by the Texas Department of State Health Services](#)—for example, training staff and agents on appropriate cleaning and disinfection, hand hygiene, and respiratory etiquette. You may ask clients about recent travel; however, any and all screening questions must be presented equally to all clients, and questions must be based on current, factual information from public health authorities.
- Texas REALTORS® has created a [Model COVID-19 Certification for Property Access](#) form that a brokerage can adopt for use when a potential buyer or other service provider will access the property for a viewing or other transaction-related service.
- Continue to familiarize yourself with the type of coverage included in your insurance policies as they pertain to issues arising out of COVID-19 and reach out to your insurance broker if you have questions.

### **Transaction Issues**

- A seller whose residential property is under contract must allow access to the property by the buyers and the buyers' agents at reasonable times. The parties should discuss implementing procedures for all visitors to the seller's property in line with the [minimum](#)



[standard health protocols recommended by the Texas Department of State Health Services.](#)

The *Model COVID-19 Certification of Property Access* form can be used for this purpose. If a seller who is under contract wants to limit access, she should seek the advice of a private attorney.

- The parties may want to consider using the Texas REALTORS® [COVID-19 Addendum](#) in conjunction with residential sales contracts and the farm and ranch contract. The addendum may be used as an addendum to a new contract or to amend a currently executed contract. The addendum provides for a 30-day extension of the closing date if the closing cannot occur due to a voluntary or mandatory COVID-19 quarantine or closure. The 30-day extension applies when the delay in closing is due to a quarantine or closure that affects the buyer, seller, or other service provider, including, but not limited to, a title company, lender, inspector, or appraiser. If the closing cannot occur after the 30-day extension, either party may terminate the sales contract with the earnest money being returned to the buyer. The *COVID-19 Addendum* also permits either party to terminate the sales contract, with the buyer receiving the earnest money, if the buyer is unable to fund their loan beyond the terms of the [Third Party Financing Addendum](#) due to loss of income from a COVID-19-related issue. Although office and other disruptions are less common at this time, Texas REALTORS® continues to encourage brokers to use the *COVID-19 Addendum* as a precaution to protect both buyers and sellers.
- Discuss with your client the length of any termination option period if the buyer is purchasing property without having seen the property in person. Buyers have purchased properties “sight unseen” for a variety of reasons long before this pandemic. Virtual online video tours are tried-and-true alternatives to in-person showings. Unlike an in-person showing, a buyer purchasing a property without physically visiting it is relying on photos, live-streaming, or online virtual tours. The parties in that situation may want to consider a longer termination option period to provide time for the buyer to view the property in person. The parties must also agree upon an appropriate option fee amount for the longer termination option period.

### **Marketing and Property Viewings**

Texas REALTORS® encourages brokers to use their judgment along with guidance from local health authorities when holding open houses. Many MLSs are promoting the use of virtual tours in open house fields, while some may have disabled the use of open house fields altogether.

- When establishing a marketing plan with your seller, communicate with the seller to ensure the seller understands the various ways the property will be marketed within the protocols you have in place for your brokerage.
- Help buyers connect with available technologies when searching for available properties. Virtual online video tours are tried-and-true alternatives to in-person showings.
- Establish a process for property viewings for both sellers and buyers. Here are a few examples of the many platforms available for virtual marketing, showings, and other client meetings:
  - 3D interactive property scans: Matterport, Cupix, EyeSpy360
  - Virtual showings: [FloorPlan Online](#), [Immoviewer](#)
  - Video meetings: [Google Hangouts](#), Apple’s FaceTime, [Zoom](#), [Skype](#)
  - On-demand open houses: [Klear](#)
- The Texas REALTORS® residential listing agreements provide authorization for others to access the seller’s property at reasonable times, including for showings, inspections, and appraisals. If in-person showings will be performed or other access to the property is needed, discuss any safety or screening protocols that will be consistently delivered, including those that meet the [minimum standard health protocols recommended by the](#)



[Texas Department of State Health Services](#). Keep in mind that specific protocols may also be established for specific scenarios; however, all protocols must be consistently applied to all prospective buyers, and local conditions must be continuously monitored.

- If conducting an in-person showing for your buyer, consider incorporating health and safety protocols. Again, you must follow the [minimum standard health protocols recommended by the Texas Department of State Health Services](#). In addition, make sure that both you and your buyer have authorization to view the property if an in-person visit will be performed.
- If a seller desires to prohibit in-person showings, be sure to obtain those instructions in writing and ensure that your MLS listing reflects the appropriate showing instructions.

### **Presentation of Offers**

Establish processes for how to make offers on behalf of your buyers and present offers received to your sellers, keeping in mind the technology options that are available to you as well as the [minimum standard health protocols recommended by the Texas Department of State Health Services](#).

### **Property Closings**

- Continue to stay informed. Many title companies are taking advantage of remote online notary services; however, some challenges have been reported on the acceptance of remote online notary services for loan documents.
- Fannie Mae has continued to accept electronic signatures on most documents, with some exceptions, so be sure to communicate with the lender and escrow agent.
- Updated information continues to be posted at [texasrealestate.com/coronavirus](https://texasrealestate.com/coronavirus).
- Communicate with your title company to determine what notary services are offered and what best practices can be employed to increase chances for a smooth transaction.
- Work to understand the financing, appraisal, and closing processes in this new environment. If you're representing a buyer, a better understanding of how financing will occur may help avoid unforeseen issues upon closing.

### **Open Texas**

Throughout this health crisis, real estate professionals in Texas have continued to serve clients while demonstrating care for the health and well-being of the greater public welfare. [Gov. Abbott's current orders](#) allow businesses to operate without COVID-related restrictions. The orders encourage individual to wear face masks wherever it is not feasible to maintain six feet of social distancing. Businesses and individuals may choose to continue to perform business activities virtually.

The governor's current orders also recommend that people and businesses, in obtaining and providing services, should follow the [minimum standard health protocols recommended by the Texas Department of State Health Services](#), should implement social distancing, and practice good hygiene, environmental cleanliness, and sanitation.