

# Phase 2 and 3 Real Estate COVID-19 Requirements

## Summary of changes to guidance as of October 6

Open houses are permitted. Occupancy is determined by the gathering size permitted in the county where it is taking place.

## Summary of changes to guidance as of September 4

The number of people permitted at in-person activities, including property viewings, inspections, appraisals, and final walk-throughs, is changed from three to five. This does not include the real estate agent/realtor.

## **Safety and Health Requirements**

All real estate brokers, firms, independent contractors and industry partners operating during Phase 2 have a general obligation to keep a safe and healthy facility in accordance with state and federal law, and comply with the following COVID-19 worksite-specific safety practices, as outlined in Governor Jay Inslee's "Stay Home, Stay Healthy" Proclamation 20-25, and in accordance with the Washington State Department of Labor & Industries [General Requirements and Prevention Ideas for Workplaces](#) and the Washington State Department of Health Workplace and Employer Resources & Recommendations at <https://www.doh.wa.gov/Coronavirus/workplace>.

Employers must specifically ensure operations follow the main L&I COVID-19 requirements to protect workers, including:

- Educate workers in the language they understand best about coronavirus and how to prevent transmission and the employer's COVID-19 policies.
- Maintain minimum six-foot separation between all employees and independent contractors (and customers) in all interactions at all times. When strict physical distancing is not feasible for a specific task, other prevention measures are required, such as use of barriers, minimize staff or customers in narrow or enclosed areas, stagger breaks, and work shift starts.
- Provide personal protective equipment (PPE) such as gloves, goggles, face shields and face masks as appropriate or required to employees and independent contractors for the activity being performed. **Cloth facial coverings must be worn by every employee and independent contractor not working alone on the jobsite unless their exposure dictates a higher level of protection under Department of Labor & Industries safety and health rules and guidance.** Refer to [Coronavirus Facial Covering and Mask Requirements](#) for additional details. A cloth facial covering is described in the Department of Health guidance, <https://www.doh.wa.gov/Portals/1/Documents/1600/coronavirus/ClothFacemasks.pdf>.
- Ensure frequent and adequate hand washing with adequate maintenance of supplies. Use disposable gloves where safe and applicable to prevent transmission on tools or other items that are shared.
- Establish a housekeeping 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.

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.

A worker may refuse to perform unsafe work, including hazards created by COVID-19. It is unlawful for their employer to take adverse action against a worker who has engaged in safety-protected activities under the law if their work refusal meets certain requirements.

Employees and independent contractors who choose to remove themselves from a worksite because they do not believe it is safe to work due to the risk of COVID-19 exposure may have access to certain leave or unemployment benefits. Employers must provide high-risk individuals covered by Proclamation 20-46 with their choice of access to available employer-granted accrued leave or unemployment benefits if an alternative work arrangement is not feasible.

Other employees and independent contractors may have access to expanded family and medical leave included in the Families First Coronavirus Response Act, access to use unemployment benefits, or other paid time off depending on the circumstances. Additional information is available at <https://www.lni.wa.gov/agency/outreach/paid-sick-leave-and-coronavirus-covid-19-common-questions>.

All real estate brokers must post signage at the entrance to their business requiring their customers to use cloth face coverings when inside the business.

### **Real Estate industry specific requirements**

Below is a list of additional requirements that must be met before resuming operations for Real Estate activity.

#### **Out of office activities:**

In-person residential and commercial real estate activities under RCW 18.85.011(17) and related activities performed by real estate brokers and industry partners for both improved and unimproved real property shall only be permitted with the following limitations:

- a) In-person meetings with customers are prohibited except when necessary for a customer or broker to view a property or sign necessary documents.
- b) Open houses are permitted. The occupancy is determined by the gathering size permitted in the county where it is taking place. Other properties viewings should be done by appointment only in compliance with the requirements listed in this document;
- c) In-person activities including property viewings, inspections, appraisals, and final walk-throughs shall be arranged by appointment and are limited to five people on site (this does not include the real estate agent/realtor), exercising social distancing at all times; and
- d) Except for the limited exceptions authorized above, all real estate listings shall be facilitated remotely.

It is permissible to engage in real estate sales, leasing, and property management as real estate brokers, appraisers, settlement agents and escrow officers, property inspectors (including consultants such as engineers, architects, and others routinely engaged in such transactions), property stagers, movers, photographers, sign installers, mortgage loan originators, processors, and underwriters, and other necessary office personnel including IT professionals, and back office staff necessary to maintain office operations, along with those government workers necessary to review real estate excise tax and record documents.

All real estate and mortgage activities must meet social distancing and appropriate health and worker protection measures before proceeding. For in-person activities, real estate brokers and industry partners must wear cloth face coverings and should require clients and customers to do the same.

### **Office activities for residential and commercial real estate firms:**

#### **Social Distancing:**

Gatherings of any size must be prevented by taking breaks and performing any activities in shifts, including lunch. Any time two or more persons must meet, ensure a minimum of 6-feet of separation.

1. Identify and control “choke points” and “high-risk areas” at locations where workers and members of the public typically congregate so that social distancing is always maintained. Consider relocating from small areas into larger rooms to accommodate more area for social distancing.
2. Minimize interactions during activities; ensure a minimum of 6-foot separation by physical barriers, and/or marking floors with tape. Limit the number of participants based on facility size and activities to allow for a 6-foot separation.
3. Arrange furniture to encourage social distancing.
4. Require customers to make reservations for in-person services.
5. Limit guest occupancy to 50% of maximum building occupancy or lower.

#### **Sick Employee and Independent Contractor Plan:**

6. Screen all workers at the beginning of their day by asking them if they have a fever, cough, shortness of breath, fatigue, muscle aches, or new loss of taste or smell.
7. Ask the employee and independent contractor to take their temperature at home prior to arriving at work or take their temperature when they arrive. Thermometers used shall be ‘no touch’ or ‘no contact’ to the greatest extent possible. If a ‘no touch’ or ‘no contact’ thermometer is not available, the thermometer must be properly sanitized between each use. Any worker with a temperature of 100.4°F or higher is considered to have a fever and must be sent home.
8. Create policies which encourage workers to stay home or leave the location when feeling sick or when they have been in close contact with a confirmed positive case. If they develop symptoms of acute respiratory illness, they must seek medical attention and inform their employer.
9. Have employees and independent contractors inform their supervisors if they have a sick family member at home with COVID-19. If an employee or independent contractor has a

family member sick with COVID-19, that employee or independent contractor must follow the isolation/quarantine requirements as established by the State Department of Health.

10. Instruct workers to report to their supervisor if they develop symptoms of COVID-19 (e.g., fever, cough, shortness of breath, fatigue, muscle aches, or new loss of taste or smell). If symptoms develop during a shift, the worker should be immediately sent home. If symptoms develop while the worker is not working, the worker should not return to work until they have been evaluated by a healthcare provider.
11. If an employee or independent contractor is confirmed to have a COVID-19 infection, employers should inform fellow employees and independent contractors of their possible exposure to COVID-19 in the workplace but maintain confidentiality as required by the Americans with Disabilities Act (ADA). The employer should instruct fellow employees and independent contractors on how to proceed based on the CDC Public Health Recommendations for Community-Related Exposure.

#### **Training:**

12. All 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. This can be accomplished through weekly safety meetings, where attendance is logged by the system, supervisor, or COVID site supervisor.

#### **Facilities:**

Restrict access where unauthorized visitors may enter, most specifically "back of the house" doors and entry points.

13. Real estate businesses that operate an office facility must also follow safety requirements outlined in the professional services phase 2 guidance for re opening office space working environments.

**No office facilities may open for operations until they can meet and maintain all the requirements in this document, including providing materials, schedules and equipment required to comply. Additional considerations are made as suggestions and may be adopted, as appropriate.**

All issues regarding worker safety and health are subject to enforcement action under L&I's Division of Occupational Safety and Health (DOSH).

- Employers can request COVID-19 [prevention advice and help](#) from L&I's Division of Occupational Safety and Health (DOSH).
- Employee Workplace safety and health complaints may be submitted to the L&I DOSH Safety Call Center: (1-800-423-7233) or via e-mail to [adag235@lni.wa.gov](mailto:adag235@lni.wa.gov).
- General questions about how to comply with the agreement practices can be submitted to the state's Business Response Center at <https://coronavirus.wa.gov/how-you-can-help/covid-19-business-and-worker-inquiries>.
- All other violations related to Proclamation 20-25 can be submitted at <https://coronavirus.wa.gov/report-safe-start-violation>.