



Best Practices: What to do if Your Seller has COVID-19

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Our members have reached out to the Legal Information Line requesting information on what a listing agent should do if their seller has confirmed COVID-19. In response, Nevada REALTORS® (NVR) offers the following best practices to provide guidance in that instance:

Immediately stop in-person showings to prevent further exposure to outsiders. If the seller wants to continue with marketing, consider meeting the seller's needs virtually. But keep in mind, now that you have a confirmed case of COVID-19 on your hands, absolutely no one should be entering the property - not the agent, not photographers, etc. By choosing to continue marketing efforts virtually, the agent will need to either use existing photos/videos of the home, and/or the seller has to do some of the leg work. The National Association of REALTORS® (NAR) identifies various companies that offer on-demand open houses, video tours, and video check-ins (*see Transaction Guidance During COVID-19* (<https://www.nar.realtor/transaction-guidance-during-covid-19>) and *Open House Guidance During COVID-19*, <https://www.nar.realtor/open-house-guidance-during-covid-19>). Other virtual options include, helping your seller conduct a live tour using Skype or Facebook; and the use of virtual staging to showcase a property. Be mindful to give credit where credit is due and secure proper copyright permissions for any media you upload to the MLS. If the seller wants to hold off on all marketing efforts, reach out to your local MLS about "temporarily off market" status options.

Notify anyone who has been in the property and potentially exposed right away. Members should maintain a detailed log of interactions to enable contact tracing, to include names, dates, and locations of interactions, as well as a party's contact information, so that in these types of instances they can swiftly reach out to those potentially exposed (*see Coronavirus: A Guide for REALTORS®* <https://www.nar.realtor/coronavirus-a-guide-for-realtors>). While NAR says listing agent's may request the seller to self-disclose information about their COVID-19 status either verbally or in writing, the brokerage should have a uniform practice on how this information is collected. Remember, collecting and maintaining health data about individuals must be securely preserved and maintained in accordance with Fair Housing, Nevada State Law and possibly HIPPA (*see NVR's Updated Open House Guidance on Governor's Latest Directive Released May 26, 2020 on Phase 2 Reopening, With Fair Housing Considerations & Unemployment Benefits Discussed:*

https://nevadarealtors.org/docs/librariesprovider2/covid19/updatedopenhouseguidance_5-27-2020ck.pdf?sfvrsn=3d3bdba8_2).

After quarantine, have the home professionally cleaned and disinfected. After the 14-day quarantine period and the seller has been cleared by a medical professional, you should recommend your client have the property professionally cleaned and disinfected following the CDC's latest guidelines prior to having anyone enter (CDC's *Cleaning and Disinfecting for*



Households: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cleaning-disinfection.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fprepare%2Fcleaning-disinfection.html). Moving forward, you may be asking yourself if this is something you have to disclose? While the Nevada statutes do not consider a property with confirmed COVID-19 inhabitants a stigmatized property (NRS 40.770), we always tell our members, when in doubt, err on the side of disclosing. If there is anything this pandemic has demonstrated, it is that we do not have a solid understanding of the virus and that it is an ever evolving situation. Reach out to your local REALTOR® association about forms they may have developed that can be used to notify those entering the property post-quarantine (i.e., a COVID-19 Acknowledgment), or consult your legal counsel to prepare something your client can use moving forward. If you don't have an attorney, the Nevada State Bar offers a free lawyer referral service (<https://www.nvbar.org/lawyerreferral/lrs/>).

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