



**Updated Open House Guidance on Governor's Latest Directive  
Released May 26, 2020 on Phase 2 Reopening,  
With Fair Housing Considerations & Unemployment Benefits Discussed**

*Christal Park Keegan, NVR Legal Information Line Attorney*

***Open Houses Continue to be Prohibited During Phase 2 Reopening***

Yesterday, our Governor released Phase 2 of the State's Reopening plan, which for our industry, changed nothing. The Governor stated "[a]ll businesses opened in Phase 1 must maintain all the same restrictions and guidelines as we continue to evaluate the impact and slowly lift restrictions on other activities." This means, until further notice, the prohibition on open houses remains, including in-person showings of tenant occupied homes. The full press release can be viewed here: <https://nvhealthresponse.nv.gov/wp-content/uploads/2020/05/5.26-post-presser-release.pdf>. This is a rapidly evolving situation - as soon as we see the new date that the directive has been extended to we will update this article and be sure and let you know.

***Secure Collection & Maintenance of COVID-19 Documentation in Accordance with  
Fair Housing, Nevada State Law and Possibly HIPPA***

Last month was National Association of REALTORS® (NAR) Fair Housing Month, which could not have come at a more important time when maintaining our commitment to fair housing during the COVID-19 pandemic is vital. A frequently asked question into the Nevada REALTORS® Legal Information Line has been how to handle written documentation received from an individual disclosing their COVID-19 status, and how to safely collect and maintain this health data. The NAR's Guidance for Fair Housing Compliance During the COVID-19 Pandemic provides helpful insights which our members are encouraged to review: <https://www.nar.realtor/sites/default/files/documents/NAR-COVID-19-FH-QAs-05-2020.pdf>.

The Guidance also recommends consulting our state's laws which are governed by NRS 603A. This statute should be reviewed as well as our article discussing NRS 603A best practices: <https://www.leg.state.nv.us/NRS/NRS-603A.html>  
[https://nevadarealtors.org/docs/librariesprovider2/legal/fraudscams.pdf?sfvrsn=cd29dc24\\_2](https://nevadarealtors.org/docs/librariesprovider2/legal/fraudscams.pdf?sfvrsn=cd29dc24_2)

Further, the U.S. Department of Health and Human Services provides information including an easy to use question and answer tool to determine if you and your practice is or are a covered entity that also needs to ensure medical records/information are kept in accordance with Health Insurance Privacy and Protection Act (HIPPA) laws: <https://www.hhs.gov/hipaa/for-professionals/covered-entities/index.html>



### *Continued Eligibility for Unemployment Benefits*

It's important our members understand that a condition to receive unemployment benefits is a person **must be willing to accept suitable** work when it becomes available, *See Nevada Unemployment Compensation Program, Employment Handbook:*

[http://ui.nv.gov/PDFS/Employer\\_Handbook.pdf](http://ui.nv.gov/PDFS/Employer_Handbook.pdf)

which provides that “[a] person who fails to accept suitable work when offered [without good cause]... will be ineligible for benefits...” In summary, if you are offered a job, you cannot just refuse to accept the job and continue collecting unemployment.

**Statements made by the Nevada REALTORS® Legal Information Line attorneys on the telephone, in emails, or in legal eNews articles are for informational purposes only. Nevada REALTORS® staff attorneys provide general legal information, not legal representation or advice regarding your real estate related questions. No attorney-client relationship is created by your use of the Legal Information Line. You should not act upon information you receive without seeking independent legal counsel. Information given over the Legal Information Line or in these articles is for your benefit only. Do not practice law or give legal advice to your clients! Inform your clients they must seek their own legal advice.**