



## **Legal Information Lines - Frequently Asked Questions** **Relating to the Governor's Open House and In-Person Showings Directive**

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The Nevada REALTORS® (NVR) Legal Information Line has received numerous calls after the latest Directive 013 issued by the Governor last week placing limitations on open houses and in-person showings. We are living in a dynamic state, where information is changing weekly, daily, and in some instances hourly, to facilitate the State's response to the COVID-19 pandemic. As always, Nevada REALTORS® continues to support its members by providing guidance and support during this time. Thank you for your emails into the Legal Information Lines:

[infoline@nvrealtors.org](mailto:infoline@nvrealtors.org)

**Q: If we have a listing that is tenant occupied, can we do a showing IF the tenant approves?**

A: No, such tenant approval would contradict the intent of the Governor to stop public traffic within tenant occupied properties. Section 6 of the April 8, 2020 Declaration of Emergency, Directive 013, explicitly prohibits open houses and in-person showings of tenant occupied properties.

**Q: If we need to provide the marketing (virtual tour, Matterport, professional photos, etc.) for our client who owns the home, but it is tenant occupied, can we coordinate the professional photographer to enter the home for the services we provide? The Directive suggests the tenant takes the pictures and gives it to the owner. Does the Directive also apply where the tenant allows the agent to have a professional photographer enter the house?**

A: Per the Directive, the tenant can voluntarily provide virtual access by taking photos and videos for the owner but is not required to do so. The spirit and intent of the Governor's Directive is to protect the tenant from undue pressure from an owner to allow outsiders into the property. The Directive is clear that "existing" virtual media may be used. The tenant can also agree to provide virtual media. The Governor's directive states "*This provision does not prohibit the use of existing three dimensional interactive property scans; virtual tours, and virtual staging to showcase a property, and it allows, but does not require, the tenant to agree to provide photos, videos or other virtual access to the property owner for this use.*" The Directive does not allow for any tenant to agree to let someone else in the home. Therefore, we cannot advise our members to take a risk by suggesting that a tenant allow someone else in the home to create the virtual media. The point right now is, during the Governor's Shelter in Place directive, for everyone to stay in their home, safely, with others that live in that home, unless it is essential to do otherwise.



**Q: If a tenant approves, can we have an agent enter the house to perform a virtual LIVE Facebook (FB) Open House which does not allow people IN the house but allows us to market LIVE on FB and then post it to FB for more marketing exposure?**

**A:** No, the best practice is to have the tenant perform the virtual LIVE open house themselves.

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