

Dear NYSAR Members,

Due to member concerns about the potential spread of the coronavirus (COVID-19), NYSAR has been receiving a number of calls from members inquiring about whether a) NYSAR has the authority to ban open houses and/or in-person showings and b) what rights an owner may have in refusing or limiting showings.

NYSAR Does Not Have the Authority to Control Open Houses/Showings

NYSAR, the National Association of REALTORS® (NAR) and your local board of REALTORS® take the coronavirus (aka COVID-19) very seriously. NYSAR, for example, has postponed all education classes until the end of May, cancelled our Lobby Day in Albany and closed our Albany offices with staff working remotely.

As I am sure you know, NYSAR has no authority to close or in any way regulate the practices of individual REALTOR® members. Our most effective role is to share all relevant government actions and health professional recommendations. NAR has issued a best practices (see link at the end of this article) and we have shared that with our members previously. We recommend that you review this information and check for updates.

Our guidance to all members is to follow recommendations of the federal Centers for Disease Control and the NYS Department of Health.

This is a constantly changing situation and we recommend that you stay regularly informed from the government authorities most knowledgeable about the disease and how you can protect yourself and your customer/clients and fellow REALTORS® from infection. NYSAR will share that information as well. NYSAR will also notify members about any emergency orders signed by Gov. Andrew Cuomo that impact the practice of real estate.

Owners Can Refuse to Have Showings/Require Reasonable Health Safety Measures

As a result of the national, state and local states of emergency, it is NYSAR's opinion that a seller has the right to refuse all showings or require reasonable precautionary steps for all showings (mask, booties, washing and sanitizing hands, not touching anything, etc.). There are a few likely scenarios licensees may encounter that are discussed below.

- If an owner is not permitting showings or accepting offers, the listing broker can take the property temporarily off the market as an uncooperative seller prevents the licensee from being able to market and sell/lease the property. The listing broker may be able to negotiate with the owner to extend the listing agreement the same amount of time the property was listed as temporarily off the market.
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- If the owner will not permit showings of the property but will still accept offers, it is possible to make contracts contingent on the purchaser viewing the property. The owner can also permit external showings.
- If the owner refuses any showings and offers, the listing broker could sue under the obligations of the owner set forth in the listing agreement as the seller is being uncooperative. Such actions may be treated differently by courts in light of health and safety issue we are experiencing.

Considering the various states of emergency that have been issued, NYSAR has no legal precedent to rely upon. As such, NYSAR is issuing this memo with the understanding that there is a delicate balance between member/public safety and a licensee's ability to provide services to their client or customer consistent with the provisions of federal, state and local laws. Licensees should make every effort to familiarize themselves with precautions and safety measures recommended by the Center for Disease Control (CDC) and various other governmental agencies.

For more information on how to protect yourself from the coronavirus, please visit the [CDC website](#).

For more information specific to REALTORS® and the coronavirus, NAR has provided the following information to members: [Coronavirus: A Guide for REALTORS®](#)

Questions relating to your licensed activities may be directed to NYSAR's Legal Hotline. Barring any unforeseen circumstances, the Legal Hotline will remain open to members throughout the state of emergency. The Legal Hotline is available Monday-Friday from 9:00 a.m. to 4:00 p.m., excluding holidays at 518-436-9727.
