

# #strongerTogether

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Stay informed and updated about COVID-19 and the impact it is having on New York REALTORS® and New York State.



Dear NYSAR Members,

Below is **updated** and clarified information regarding a few of our frequently asked questions regarding business during COVID-19. These answers refer to just a few of the most common questions that we have received that you can find on NYSAR's dedicated COVID-19 webpage at [nysarcovidupdates.com](http://nysarcovidupdates.com). We will update this FAQ often as new information becomes available.

**This FAQ is effective as of 5:00pm on 3/27/2020 and supersedes any prior information provided by NYSAR.**

## ***Q - Are closings permitted?***

A - Although virtual closings are allowed under the Governor's mandate, NYSAR is unable to provide guidance as to whether in-person purchase and sale closings are allowable. NYSAR has been made aware that some attorneys representing buyers and sellers have been denied being deemed an essential service. In the case of one attorney, the response from ESD stated, "Based on a review of your request, your stated business location does not serve an essential function. As such, your business is subject to the required 100% workforce reduction pursuant to revised Executive Order 202.6.

NYSAR has also been made aware that lenders are advising attorneys that represent the lender that their services are essential based on the lender's interpretation of the guidance document issued by the Governor as well as guidance issued by the ESD. According to the guidance document, "Law firms and other providers of legal services are essential businesses only to the extent that their services are currently needed to support the essential functions of health care providers, utilities, state and local governments, the federal government, **financial institutions**,

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businesses that have been designated as essential; or to support criminal defendants in court proceedings or individuals in emergency family court proceedings; or to participate in proceedings concerning the imminent release or detention of individuals subject to criminal or civil detention under any applicable provision of state or federal law, or proceedings to address emergency risks to health, safety, or welfare.”

It should be noted that remote notarization is now permissible under the Governor’s Executive Order 202.7 and closings may be conducted virtually. It is the decision of the lender, sellers attorney and buyers attorney as to whether a virtual closing and/or remote notarization or other methods are used to avoid person to person contact. NYSAR will email members when we receive further guidance on this matter.

***Q - I am a single employee business; may I continue to perform licensed activities under the Governor’s mandate?***

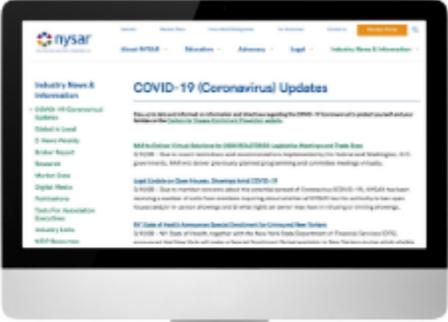
A - No. The “single occupant/employee” exemption was removed from the guidance document .

***Q - How do I file a complaint against a broker or licensee that is violating the Governor’s Executive Order?***

A: NYSAR has been contacted by its members inquiring how they can file a complaint if an individual licensee or brokerage are violating the Executive Order by continuing to perform licensed activities such as showings, open houses and other activities where they are involved in person-to-person contact. Licensees wishing to make such a complaint have three options set forth below:

1. File a complaint with the Attorney General. The Attorney General has not provided a complaint form specific to the Executive Order. The Attorney General has provided a phone number and can be reached at (800) 771-7755 or you can contact the NYS COVID-19 hotline at (888) 364-3065.
  2. File a complaint with the Department of State. The complaint form for DOS can be found here: [https://www.dos.ny.gov/licensing/complaint\\_links.html](https://www.dos.ny.gov/licensing/complaint_links.html)
  3. File a complaint pursuant to the NAR Code of Ethics if the licensee is a member of the REALTOR® organization. Complaints may be made against the licensee in the local REALTOR® board/association where such individual holds primary membership, secondary membership or participates in the local REALTOR® board/association owned or operated MLS. Complaints may only be made against individuals not against firms/brokerages. REALTOR® membership is held individually. The complainant could name the principal broker as well as the individual licensed with the broker.
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Penalties for those found to have violated the Executive Order may include one or more of the following: \$2,000 fine, charged with a criminal misdemeanor, suspension or revocation of license, fines or other discipline as authorized if the REALTOR® is found in violation of one or more articles by a hearing panel under the Code of Ethics and Arbitration Manual.



**Visit [nysarcovidupdates.com](https://www.nysar.com/covidupdates.com) for the latest information on the impact of the coronavirus (COVID-19) on REALTORS®.**

