

**From:** NYSAR <nyrealtors@nysar.org>  
**Sent:** Thursday, April 9, 2020 10:47 AM  
**Subject:** Flash Update - NYSAR statement on ESD determination



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April 9, 2020

**Statement by Jennifer Stevenson, President, New York State Association of REALTORS®, Inc.**

Today, April 9, 2020 at 8:00 am, the NYS Empire State Development agency formally added real estate services to the list of essential services, albeit with severe restrictions. The text of today's ESD announcement is below.

While the ESD requires that every permitted activity should be conducted remotely and not in-person, it does provide guidance that some limited real estate services “may be conducted in-person to the extent legally necessary.” **NYSAR strongly urges its members to interpret this allowance for limited, legally necessary “in-person” contact extremely narrowly and not view it as a loophole permitting broader in-person activities.**

The COVID-19 virus is still a serious health threat to our members and the consumers we serve. Each individual member has a responsibility to do his or her part to end this pandemic, and clearly the state and federal social distancing guidelines are starting to have a positive impact. NYSAR has requested that ESD provide more detailed guidance on how it defines “legally necessary”.

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NYSAR will report again when we have further clarification. **It should also be noted that brokerage offices must remain closed to the public.**

ESD Guidance on Executive Order 2026, Section 14, as Amended April 9, 2020 at 8:00 am  
*Real estate services shall be conducted remotely for all transactions, including but not limited to title searches, appraisals, permitting, inspections, and the recordation, legal, financial and other services necessary to complete a transfer of real property; provided, however, that any services and parts therein may be conducted in-person only to the extent legally necessary and in accordance with appropriate social distancing and cleaning/disinfecting protocols; and nothing within this provision should be construed to allow brokerage and branch offices to remain open to the general public (i.e. not clients).*

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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.

