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Subject: Flash Update - Screening Questionnaire



June 2, 2020

Dear NYSAR members,

For those regions open under Phase 2, as a broker/employer, each independent contractor and employee must be screened on a daily basis including a screening questionnaire. Additionally, licensees should have the seller/buyer/landlord/tenant answer the screening questions if a property is going to be shown. Below, please find guidance on the screening questionnaire. This and other frequently asked questions pertaining to re-opening can be found [HERE](#) at www.nysarcovidupdates.com.

Q - Is there a screening questionnaire provided by Empire State Development (ESD) or the NYS Dept. of Health (DOH)?

A - No. There are two different scenarios that require a screening questionnaire under the DOH Interim Guidance Document, one for employers and one for property showings. The broker/employer is free to add other questions after consulting with legal counsel. All parties should answer the property showing questionnaire (seller, buyer, landlord, tenant). Licensees are only required to answer the questionnaire provided by their broker/employer (the Interim

Guidance Document defines “employees” and “employee” as including real estate licensees that are independent contractors). The screening can be done remotely (telephone, electronic survey, email etc.). For both types of screening questionnaires, NYSAR strongly recommends remote screening as this may eliminate in-person contact in the event a person states they were exposed to COVID-19. If remote screening is not possible, then a form should be used containing the same questions. Below, please find the minimum screening requirements for broker/employer and property showings:

For employers, real estate offices etc. the independent contractor/employee/visitor questionnaire should identify the employer (or broker for independent contractors) the name of the independent contractor/employee/visitor, signature line and the date. At a minimum, the individual must answer the following questions:

- (a)** knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19,
- (b)** tested positive for COVID-19 in the past 14 days, or
- (c)** has experienced any symptoms of COVID-19 in the past 14 days.

For the purposes of a showing, the screening questionnaire should contain the following questions:

- (a)** knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19,
 - (b)** tested positive for COVID-19 in the past 14 days, or
 - (c)** has experienced any symptoms of COVID-19 in the past 14 days.
 - (d)** Require seller/lessor to disclose if they become symptomatic and/or they test positive for COVID-19 within 48 hours of the last visit to their property.
 - (e)** Require buyer/lessee to disclose if they become symptomatic and/or they test positive for COVID-19 within 48 hours of the last visit to a property.
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