

Best Practices for Conducting Residential Real Estate Rental Transactions

During the Coronavirus (COVID-19) Crisis

Based on the guidance of public health authorities including the Centers for Disease Control and Prevention and the New York State and City Health Departments, the purpose of this document is to provide recommended practices for real estate professionals conducting residential rental transactions. Real estate professionals are encouraged to share these industry best practices for conducting such business in NYC with clients and colleagues.



KEY PRINCIPLES

- **Understand the facts:** Continue to check [CDC](#), [NYS](#) and [NYC](#) updates and guidelines.
- **Social distancing:** Public health authorities have recommended maintaining at least six feet social distance as a key strategy to reduce the spread of the Coronavirus (COVID-19). Social distancing should be maintained for all in-person interactions. Meetings and events should be conducted via phone or videoconference whenever possible.
- **Sanitation:** Clean and disinfect all frequently-touched objects and surfaces, per current [CDC](#) and [New York City Health Department](#) recommendations. [Click here](#) for recommended disinfectants for use against SARS-CoV-2.
- **Hygiene:** Wash your hands frequently with soap and water for at least 20 seconds. If not available, use hand sanitizer with at least 60 percent alcohol as recommended by the [CDC](#).
- **Wear face coverings:** Given the consistent challenge to maintain six feet social distance throughout residential real estate transactions, all parties should wear appropriate face coverings during all in-person interactions.
- **Stay home:** If you, or anyone you have had close contact with in the previous 48 hours is experiencing symptoms of the Coronavirus (COVID-19) or has tested positive for COVID-19, stay home and avoid close contact with others.
- **Seek help:** Call the [NYS](#) Novel Coronavirus hotline if you have questions relating to the Coronavirus (COVID-19) or suspect you have been exposed (1-888-364-3065).

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INITIAL TOUCH POINTS

In order to limit unnecessary exposure, consider holding preliminary meetings over the phone or via videoconference prior to in-person showings. Agents could then move on to in-person showings after virtual tours have been conducted.



LISTING ACCESS - VIRTUAL

Virtual Tours

Virtual tours can be effectively conducted following REBNY's recommended guidance for creating a virtual tour for listings submitted to the RLS ([see guidance for creating virtual tours](#)). Agents should wear an appropriate face covering while creating the virtual tour on-site.

Virtual tours should be accompanied by:

- Clear, high resolution photos of the unit and surrounding areas (lobby, hallways, stairwells, amenities, building façade, various unit views, directional exposures, neighborhood attractions, link to Google Maps view, etc.)
- Extremely specific descriptions (finishes, ceiling height, bedroom size, etc.)
- Detailed floor plan
- Rules/restrictions (non-smoking building, pet policy, etc.)

Live Virtual Tours

If a pre-recorded virtual tour does not suffice, or does not currently exist, and with the written approval of the landlord/occupant, Agent may enter the unit with an appropriate face covering to conduct a live tour of the space (via videoconference) with the Consumer.

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LISTING ACCESS: IN-PERSON

Limitation of Liability

Agents must always comply with respective building and management guidelines. Prior to arriving for any showing, Agents should familiarize themselves with such protocols, including but not limited to, designated hours for showings, elevator usage and access to amenity spaces, etc.

Where a REBNY member is involved with the coordination of in-person/on-site visits to a property by either vendors or consumers, a [“Limitation of Liability” Form](#) should be utilized.

The purpose of the form is to advise any party who is entering a property, or who is permitting another party to enter a property, of the potential liability that may result from exposure to the Coronavirus (COVID-19). By signing the form, such party acknowledges and assumes the risks associated with conducting property visits in-person, including potential exposure to the Coronavirus (COVID-19) and the consequences that may result from such exposure.

A REBNY member who is involved with the coordination of in-person property visits should provide the Form to the parties who will be involved in such visits, including a signed copy of their own, assuming the same risk for entering the property. The form should be used for in-person visits to both residential and commercial properties.

General Precautions for Showings

A health screening should be required of all Agents and Consumers attending in-person showings using this [Health Screening Questionnaire](#) which determines whether such person has:

- 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. experienced any symptoms of COVID-19 in the past 14 days

Should an Agent choose to implement this precaution, they **must** practice it uniformly for **all** in-person interactions in order to remain compliant with Fair Housing rules and regulations. Each person must be presented with, and answer, the questions set forth in the questionnaire. If someone refuses to answer the questions, or answers the questions affirmatively, then such person will not be permitted to attend the showing.

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Should an Agent proceed with an in-person showing, the following general protocol should be implemented. Showings will only be allowed in unoccupied or vacant properties. As per current [State law](#), tenants cannot be inside the property during in-person showings. The landlord should make arrangements with the tenant in order to show the property.

- Prior to a showing, Agent must receive approval from operating party (landlord/super) so all parties are aware of, prepared for and in agreement of the impending showing.
- Agents should work closely with Landlord/Super to minimize excess traffic in buildings and within units.
- Landlord/Super must provide alcohol-based hand sanitizer, and/or hand soap and paper towels within the unit.
- In vacant units, Agent must clean and disinfect all frequently-touched areas and surfaces (per current [CDC](#) guidelines) before and after every appointment. Appropriate cleaning supplies must be provided by Landlord/Super, but Agents should also arrive prepared to do so. No waste generated from PPE or other cleaning supplies should be left behind in any space or unit.
- Any party may cancel or postpone a showing without prejudice or penalty upon any indication of [Coronavirus \(COVID-19\)](#), cold or flu-like symptoms.
- All parties attending a showing must wear appropriate face coverings for the duration of the appointment. This expectation must be established ahead of time via email agreement with the Consumer. Should the Agent or Consumer arrive without a face covering, either party may cancel or postpone the appointment without prejudice or penalty.
- Attending parties should check their temperatures at home to ensure it is below 100.4° F prior to arriving for a showing.
- Agent/Landlord/Super should arrive prior to Consumer to open doors, cabinets, etc. Consumers should be asked not to touch anything in the unit at any time (with the exception of essential surfaces such as handrails, etc.).
- When possible, Agent should open unit windows to introduce fresh, outside air.
- If unit does not allow for six feet social distance for all parties at all times, Consumer attendees should be limited to one person inside the unit at one time.
- Do not shake hands during in-person interactions.

Handling of Keys

Internal Listings:

- Keys must be properly sanitized with [EPA-approved spray disinfectant or wipes](#) prior to Agent check-out. Disinfected keys should be stored separately from any keys which have not yet been properly disinfected.
- Agents should use [EPA-approved spray disinfectant or wipes](#) to disinfect all keys prior to returning them to the respective office.
 - This process could be mitigated through investment in more sophisticated systems such as Cobra Key Systems or KeyTrak.

External Listings:

- Agents must follow designated building or management protocol for handling and disinfecting of keys. Agents should review or confirm these policies prior to any showing.
- Disinfected keys may be left in a designated secure location to avoid hand-to-hand exchange.
- Keys to the unit (and mailboxes, if applicable) must be thoroughly sanitized with [EPA-approved spray disinfectant or wipes](#) prior to submitting to Agent/Consumer and upon Agent/Consumer returning unit keys.
- Building Super could also simply 'buzz' Agent and/or Consumer into listing to limit in-person contact.

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LEASE SIGNING

To the extent possible, there should be universal adoption of electronic lease preparation in order to support validity of electronic signatures and limit unnecessary exposure at in-person lease signings. Supporting software includes DocuSign, SignX, Adobe EchoSign, and various other comparable platforms.

- If a lease signing must be done in-person, the Agent/Landlord preparing the lease should email or electronically post a draft lease for the Consumer to review prior to the signing appointment. Any comments or discussions regarding the content of the lease should be exchanged and resolved via phone or videoconference prior to in-person signing appointments.
- In-person signing appointments should also utilize large open areas, conference rooms, etc. to maintain at least six feet social distance at all times.
- In-person signing appointments should be limited to as few attendees as possible, maintaining at least six feet social distance at all times, with options for virtual attendance if applicable.
- All parties must wear appropriate face coverings during any in-person meetings occurring as part of the lease signing/closing. This expectation must be established ahead of time via email agreement. Should any party arrive without an appropriate face covering, or upon any indication of fever or other illness, any party may reschedule the appointment without prejudice or penalty.
- When possible, funds should be transferred electronically upon lease signing.
 - Hand-to-hand exchanges of funds should utilize envelopes or other containers of the recipients' choosing.
- Keys to the unit must be thoroughly sanitized with [EPA-approved spray disinfectant or wipes](#) prior to submitting to Agent/Consumer.

Walk-throughs

Walk-throughs should be conducted while maintaining at least six feet social distance, with all parties wearing appropriate face coverings and with limited attendees (only Landlord or Agent in addition to Consumer, with option for videoconference attendance). If necessary, consider conducting walk-throughs virtually where possible.

- If maintaining six feet social distance is not possible, the Consumer should be permitted to walk through alone, documenting needs and concerns.
- Any findings or additional issues resulting from the walk-through should be discussed over the phone or from a safe distance, outside of the unit.
- Agents should coordinate with Landlords as to whom is responsible for disinfecting and sanitizing the unit after a walk-through.

At a time of unprecedented uncertainty, it is our civic responsibility to ensure that the industry take every measure possible to protect the health of our community by conducting business in line with the recommendations of public health authorities. For this reason, we urge our members to continue to leverage technology wherever possible to minimize health risks of our fellow New Yorkers.

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