



## **COLORADO COVID-19 UPDATE - MARCH 30, 2020**

- ✓ Currently, the practice of real estate is considered “critical” by the State of Colorado. See Executive Order D 2020 017, dated March 25, 2020 and Updated Public Health Order 20-24, dated March 26, 2020.
- ✓ Under the state order, Critical Businesses must comply with Social Distancing Requirements at all times, adopt work from home or tele-work policies for any operations that can be done remotely, and implement other strategies, such as staggered schedules or re-designing workplaces, to create more distance between workers unless doing so would make it impossible to carry out critical functions.
- ✓ Brokers must make every conscious attempt not to abuse this privilege to continue to practice their profession and should limit all interactions with clients and the public as much as possible.
- ✓ Under the Supremacy Clause of the Colorado Constitution, local health departments can impose stricter requirements contrary to the Governor’s executive order or that of any local executive office or body. Therefore, applicable health departments may issue additional orders stating that real estate is no longer “essential” or “critical” nullifying the Governor’s executive order, a mayor’s order, or that of county commissioners.
- ✓ The City and County of Denver has deemed real estate as an “essential” business activity.
- ✓ Pitkin County, San Miguel County and Gunnison County issued health orders prohibiting real estate brokerage activities.

- ✓ The Larimer County Health Department issued an order strongly discouraging brokers from any further showings. Although showings are not prohibited, brokers in Larimer County should continue to monitor the situation, discuss the order with their clients, and be prepared for a complete ban on showings.
- ✓ These designations are subject to change, modification and limitation at any time.
- ✓ Brokers must continue to monitor and keep themselves informed of any changes.
- ✓ Colorado Governor Jared Polis signed Executive Order D 2020 19 on March 27, 2020, temporarily suspending (for 30 days) the personal appearance requirement for notaries.
- ✓ The Colorado Secretary of State will be promulgating rules surrounding this Order. Once the rules are approved and in place, closings can be performed remotely.
- ✓ Due to public health orders mandating reduced staffing, title companies and County Treasurer offices are delayed in providing tax certificates and title commitments. It is recommended that brokers discuss with their clients and each other about amending purchase contracts to move back all record title deadlines to accommodate the title companies.
- ✓ Lenders also are under reduced-staff requirements. As a result, lenders are unable to quickly approve and deliver documents. Brokers and their buyers should be talking to lenders about possible delays and when to reasonably expect documents. Closing dates and loan termination deadlines will need to be extended to address lender-related delays.

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**DISCLAIMER:** This article is a brief overview and survey of COVID-19 issues facing real estate professionals in general. The article is designed and its purpose is to serve only as a general discussion of these issues. This article does not constitute legal advice. The reader should consult with a licensed, experienced attorney on any specific or general matter in the reader's particular jurisdiction. We hope that all real estate practitioners find this article to be a useful and practical tool in identifying COVID-19 issues.