



April 28, 2020

COLORADO COVID-19 Safer-at-Home Order

- ✓ Colorado Governor Jared Polis issued Executive Order D 2020 003 on March 11, 2020, declaring a state-wide emergency requiring everyone not involved in a critical business to stay at home due to the COVID-19 pandemic.
- ✓ On April 26, 2020, Governor Polis issued [Executive Order D 2020 044](#) authorizing a transition away from the stay-at-home model. The safer-at-home model went in to effect on April 27, 2020, and is to last for 30 days.
- ✓ On April 26, 2020, the Colorado Department of Public Health and Environment issued [Public Health Order 2020-28 Safer At Home](#) to provide guidance to critical and non-critical businesses, among others, that want to re-open. Required guidelines for re-opening businesses are found in Appendix B to Public Health Order 2020-28.
- ✓ Under these orders, Field Services, including real estate, may resume operations subject to the state-issued required guidelines found in Appendix B.
- ✓ Appendix B allows for real estate showing if proper compliance with public health requirements can be demonstrated.
- ✓ Appendix B requires, among other things, that brokers conducting showings to do the following:

- Comply with social distancing requirements (e.g., maintain 6-foot distancing from customers and other individuals and no showings of more than 10 people, etc.);
- Implement procedures for field-based employees [brokers] to monitor for symptoms and report to management [employing broker or another management level designated employee] daily on their health status;
- Provide and use gloves and masks for any customer interactions or work being done in a third-party home;
- When scheduling or conducting showings, the brokerage, broker, or an employee must inquire whether third-party homes have individuals symptomatic for COVID-19 or have been in contact with known positive cases, and if so, exercise caution when inside the home;
- Do not host any open houses and do not offer food or beverage during a showing;
- Maintain a detailed log of customer interactions to enable contact tracing, including name, date, location of contact, contact's phone number and/or email address;
- Sanitize all tools or equipment after each customer visit or interaction;
- Provide written guidance and encouragement on personal sanitation. The encouragement is to include:
 - a. frequently and thoroughly wash your hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer with at least 60% alcohol;
 - b. cover coughs and sneezes with a tissue, then throw the tissue in the trash, or use your inner elbow or sleeve;
 - c. avoid touching your eyes, nose, and mouth with unwashed hands;
 - d. stay home if you're sick, and keep your children home if they are sick; and
 - e. clean high touch surfaces in your home, and personal items such as cell phones, using regular household products; and
- Stay home if showing any symptoms or signs of sickness or if you have had contact with a known positive case.

- ✓ Employing brokers should develop consistent written policies and include these policies in their Office Policy Manual, distribute the new policies, and document that each broker was provided with the new policies.

- ✓ Employing brokers must develop procedures to demonstrate that these policies are being implemented, followed, and enforced.
- ✓ Failure to comply with the Field Services requirement when showing homes could be construed as a potential licensing violation as well as subject the broker, brokerage, and employing broker to liability and other legal consequences.
- ✓ Brokers must continue to keep themselves informed of local regulations and requirements that may differ from or supplement the statewide executive and public health orders.
- ✓ Showings are an important part of what brokers do. However, compliance with the requirements for Field Services makes it advisable to forego showings, at least for now. Any broker and brokerage that intends to go forward with showing must be prepared to implement the state requirements and, more importantly, demonstrate compliance.
- ✓ Please continue to check back on the CRES website for an update on these developments and other relevant COVID-19 news for Colorado brokers.

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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.