

As you may know, this weekend a new [DHHS Order](#) went into effect, providing that no one needs to wear a mask outdoors and vaccinated people do not need to wear masks indoors.

For Realtors® representing buyers, **it is important to note that the seller may still condition the right to see the property on wearing a mask, regardless of whether the prospective buyer or agent is vaccinated or not.**

As we have mentioned in prior communications, determining a person's vaccine status can be a particularly sensitive inquiry. In the case of home showings, Realtors® would be in a difficult position – dealing on one hand with potential buyers who may resent the intrusion and on the other hand with sellers who are looking to the Realtor® to verify the vaccine status of each and every buyer who visits their home. Given that difficult position, the preferable course may be to simply keep requiring masks during residential showings until MDHHS guidance is more clearly articulated.

However, if a seller wishes to allow prospective buyers and their agents to tour the property without a mask pursuant to a specific mask exception, it is important that the seller direct the agent on how best to proceed. It is worth noting that the new order provides for “good faith” efforts to establish whether a person satisfies an exception to the mask requirements in other non-residential settings. In those other settings, a "good faith effort" may include the following:

1. Posting a sign notifying people that wearing a mask is required unless a person falls into a specified exception; or,
2. Asking patrons not wearing masks whether they fall into a specified exception.

This, of course, creates an honor system for attendees. Therefore, it is important for the seller to direct the agent on how to proceed if they wish to allow showings without masks.

Additionally, please note that the “3-households up to 15 persons” limitation for residential gatherings has not changed.

We will keep monitoring the guidance from MDHHS and update membership accordingly. Let me know if you have any questions.