

MDHHS Extends Face Covering Requirements and Gathering Restrictions until January 31st

This week the Michigan Department of Health and Human Services, in coordination with Governor Whitmer, extended the vast majority of the “Gatherings and Face Covering” order to run from January 16th through January 31st. The latest order can be viewed [here](#).

Michigan Realtors[®] continues to communicate with the Governor’s Office and Health Policy Team to stress that real estate activity continues to be done in a safe and client-focused manner. As the new order relates to real estate, it continues to allow for in-person client services and scheduled showings. However, the two-household limitation on residential gatherings remains unchanged under the extended order. Residential showings, walk-throughs, inspections and other events that occur within a home are governed by the residential “two-household” rule.

What this two-household limitation means for Realtors[®] is that traditional open houses are not permissible. Showings are still permitted; however, for private showings, no one other than the selling agent and the buyers can attend. Sellers cannot be present. The buyers cannot bring persons from outside their household to the showing. And remember that everyone at the showing must wear a face covering.

We have heard from many Realtors[®] regarding the possibility of a nontraditional “staggered” open house whereby the listing agent opens the house and allows prospective buyers to come through the home one household at a time. Under this scenario, the listing agent would clearly inform attendees of the parameters for seeing the property in advance, requiring some form of notification to the listing agent that the prospective buyer has arrived (via text message or some other form of communication), and the prospective buyer would wait in their vehicle until it is their turn to tour the home. This way, the listing agent is able to ensure that only two households (the listing agent and one prospective buyer household) are in the residence at a given time. The arrangement would be acceptable under the two-household limitation that the order imposes. Of course, it must also be an arrangement that the Seller is comfortable with.

Under the new order, gatherings at a non-residence are prohibited except for those types of gatherings that are specifically listed in the new order. Permitted gatherings include workplace gatherings so long as those gatherings comply with the MIOSHA rules that came out in mid-October. Permitted gatherings also include gatherings between an employee and a customer for purposes of providing service. We would interpret “employee” in the broader sense to include independent contractors.

The rules for commercial showings, office meetings with clients and potential clients and closings have not changed and are governed by the existing MIOSHA order.

Practices for Sellers Permitting Showings.

- Sellers may not be present during showings.
- Prior to any scheduled showing, Sellers should turn on all lights and leave interior doors, drapes and blinds open. This will ensure that anyone entering the home will not need to touch light switches/doorknobs.
- Prior to and after any showing, Sellers should clean and disinfect all frequently touched surfaces, such as doorknobs, handles, light switches and countertops.

Practices for Buyers During Showings

- Buyers and agents must wear masks.
- Buyers cannot bring anyone to the showing who is not in their household
- Buyers attending showings should meet their agents at the property and wait in their car for the agent to arrive.
- Buyers should not touch any surfaces in the property. Buyers should not turn off lights or close interior doors. An agent and their buyer clients should not share phones, pens, tablets etc.
- Buyers are encouraged to wear gloves while viewing a home. Buyers should use hand sanitizer immediately prior to entering the home and upon exiting prior to getting into their car.
- Buyers are encouraged minimize the time physically present at a home.

Lastly, many local health departments have issued their own rules, and Realtors® are strongly encouraged to check in their area for additional requirements.