

# New Open House Guidance

On July 2, the Departments of Public Health and Cal/OSHA released new guidance on COVID-19, which included some points relating to real estate. While there were some changes in office opening, cleaning and other protocols that required minor changes to the BPPP and related forms, the new guidelines do not significantly change practices.

**“Open Houses” on a walk-in basis are still prohibited.** All showings still require either an appointment or a digital sign-in process prior to entry, including completing a PEAD form. Any such showings still must follow these rules:

**PER L.A. County: No More than two visitors at a time residing within the same household or living unit and one individual showing the unit (except in person visits are not allowed when the occupant is still residing in the residence) Occupant must leave during showings per CAR legal 7/18/20.**

1. Have protective equipment like masks and hand sanitizer made available.
2. Thoroughly clean all shown properties and disinfect commonly used areas such as doors and doorknobs, cabinet handles, switches, etc.

[Link to County of Los Angeles Department of Public Health Order](#)

**Based on these rules, an advertisement using the term "Open House" alone is likely deceptive, as it implies a walk-in basis without the mandatory appointments/digital sign-in protocols that are not typical for an “Open House.” Although it is recommended that no “Open House” signs be used, if they are, they must also include information on the sign or a sign rider indicating that appointments or digital sign-in is required before entry.** Of course, the regular protocols of advance digital completion of PEAD forms before entering, social distancing, limitations on persons going through the house at one time, cleaning and disinfecting between each showing, etc. still apply. But at this time, any type of traditional open house — allowing spontaneous walk-up with no digital sign-in, appointment or adherence to protocols — would threaten the policy allowing licensees to show property. Worse, it would threaten the health of the seller and those visiting, potentially causing a super-spreader event.

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**REALTORS® using “Open House” signs or advertisements without the riders about advance appointments or digital sign-in may be subject to ethics discipline for violating the “true picture” test under Article 12 as the common understanding of an “Open House” by the public and the industry does not include advance digital sign-ins or appointments, along with the other protocols that would delay a spontaneous showing.** In the end, variations on this would have to be decided by panels, in the context of the COVID-19 rules in place at the time.

As a reminder, cities or counties may have more restrictive orders than the State Guidance. Some local rules prohibit any type of “Open House” or restrict the number of persons who can view the property to two at one time. **The more restrictive local rules will supersede the statewide industry guidance and must be followed.** Of course, in those jurisdictions prohibiting “Open Houses” altogether, “Open House” signs should not be used at all.

## **DRE Reassigns Employees to Assist in COVID-19 Prevention Efforts**

The Department of Real Estate has reassigned 17 employees, including five or six recently hired special investigators, from its Los Angeles office to assist the Department of Public Health with contact tracing efforts to prevent the spread of COVID-19. As for licensees who may be violating/have violated the Governor’s Executive Orders, if the DRE learns of such violations, they indicated their focus is to educate the subject licensee and remind them of the importance of following the Executive Orders and taking efforts to minimize the spread of the virus. Although the DRE did not explicitly state this, it is also possible that if these violations are egregious or repeated, they may be reported to the authorities for further action.

To report a violation of these guidelines please contact Department of Health (888) 700-9995/Office Hours: Monday- Friday 8:00a.m.-5:00p.m./ email: [ehmail@ph.lacounty.gov](mailto:ehmail@ph.lacounty.gov)