



## COVID-19 Talking Points for Members

*Last Updated: April 3, 2020*

### **General holding statement: statewide executive order**

Gov. Greg Abbott has issued an executive order setting a statewide standard of essential services through April 30 that **allows residential and commercial real estate services, property management, and residential construction to continue**. The order follows the U.S. Department of Homeland Security's guidelines for essential services, and urges that telework or online work should be used as much as possible, limiting in-person contact unless absolutely necessary.

**Agents should stay in close communication with their broker, and brokers with their legal counsel**, on any changes to contracts, current business practices, and policies following this order. If you have questions about the statewide executive order or are unsure if your business is counted as an essential business, please contact the Texas REALTORS® Legal Hotline at **1-800-873-9155**.

### **How does the statewide executive order on essential services impact local shelter-in-place orders?**

According to Texas REALTORS®, the statewide executive order issued by Gov. Abbott **supersedes local shelter-in-place orders, but only to the extent where those local orders previously restricted essential services or were more permissive on gatherings**. In defining real estate as an essential business, this order provides a statewide consistency that was greatly needed and levels the playing field across our market.

Central Texas residents under a local shelter-in-place order should still only leave their home for important needs such as going to the grocery store, the doctor, the bank, or exercise outdoors. Even for essential services that are permitted under the statewide executive order, telework or online work should be used as much as possible, limiting in-person contact unless absolutely necessary. If you have additional questions about the impact of the statewide executive order on local orders, please contact the Texas REALTORS® Legal Hotline at **1-800-873-9155**.

### **Am I allowed to conduct business under the statewide executive order?**

The statewide executive order is based on the U.S. Department of Homeland Security's guidelines for essential services, which **list residential and commercial real estate services, property management, and residential construction as essential businesses**. That said, neither the statewide executive

order nor the federal guidelines provide explicit guidance for every type of real estate service or business. If you're unsure if your business is covered under the statewide executive order, you should contact your management team or legal counsel on any specific changes to business practices and policies during this time. The Texas REALTORS® Legal Hotline at **1-800-873-9155** may also be able to help.

**Even for essential services, the order states that telework or online work should be used as much as possible, limiting in-person contact (following CDC guidelines) unless absolutely necessary.** The spirit of Gov. Abbott's executive order is to only provide real estate services that are truly essential. REALTORS® and affiliates engaged in business aimed at closing out current contractual obligations or housing unhoused individuals should complete their work with significant caution, and while abiding by social distancing standards. These are recommendations made on the basis of the spirit of the rule and not legal interpretations of each order. All other real estate business that requires work from outside of the home should be suspended during the duration of the order. These are ABoR's recommendations made on the basis of the spirit of the rule and not legal interpretations of each order.

**Can I show property under the statewide executive order?**

Based on the analysis by Texas REALTORS®, **REALTORS® can show property across the market** but should exercise great caution in doing so. That said, **ABoR strongly discourages against any in-person showing activity during this time** and recommend continuing only with virtual showings of unoccupied properties at this time. While we understand there will be circumstances that require showing activity, you should continue [to take extreme caution](#) in any in-person interaction to protect yourself and discourage the spread of COVID-19. During this time, it is critical that you **stay in close communication with your broker**, and brokers with their legal counsel, on any changes to your contracts, current business practices, and policies.

**Can closings continue under the statewide executive order?**

In reviewing the statewide executive order, which uses the U.S. Department of Homeland Security's guidance on essential services, it is our interpretation that closings and real estate transfer services are allowed to continue across the state. That said, some lenders and other affiliate partners may have policies that prevent virtual closings from occurring. We encourage you to check with your affiliate partners to determine what virtual options are available.

**Can new construction continue under the statewide executive order?**

In reviewing the statewide executive order, which uses the U.S. Department of Homeland Security's guidance on essential services, it is our interpretation that residential and commercial construction is allowed to continue across the state. The City of Austin and Travis County have stated that they will no longer prohibit residential or commercial construction. That said, in-person contact should be limited to

only what's absolutely necessary and closely follow CDC guidelines and the guidance from the City of Austin and Travis County when it does occur. You should continue to take extreme caution in any in-person interaction to protect yourself and discourage the spread of COVID-19. If you have additional questions about the impact of the statewide executive order residential construction, please contact the Texas REALTORS® Legal Hotline at **1-800-873-9155**.

**Does the statewide executive order include commercial real estate construction?**

All construction work permitted in the Governor's March 31, 2020 Executive Order (No. GA-14) is permitted. The City of Austin and Travis County have stated that they will no longer prohibit residential or commercial construction. That said, in-person contact should be limited to only what's absolutely necessary and closely follow CDC guidelines and the guidance from the City of Austin and Travis County when it does occur. You should continue to take extreme caution in any in-person interaction to protect yourself and discourage the spread of COVID-19. If you have questions about the statewide executive order or are unsure if your business is counted as an essential business, please contact the Texas REALTORS® Legal Hotline at **1-800-873-9155**.

**Why isn't ABoR forcing REALTORS® to stop showing property?**

Policies restricting behavior are set by government entities, and they can be set by brokers as business owners. ABoR respects the relationship and responsibilities brokers maintain. Every agent should be working closely with their broker to determine the best procedures for operating virtually or in essential in-person interactions and brokers should work with their attorneys on this front. ABoR offers high-level guidance so that brokers remain the drivers of individual business practice and policy decisions.

**Are open houses allowed under the statewide executive order? Why did ABoR remove the Open House field in the MLS?**

ABoR and Texas REALTORS® strongly advise against holding open houses at this time. Regardless of the statewide executive order allowing real estate as an essential business, agents must still adhere to gathering restrictions outlined in local shelter-in-place orders. To that end, ABoR has suspended the Open House field in the ACTRIS MLS until further notice. We encourage our members to use virtual showings and tours within the MLS and on social media, video chat, and other virtual meeting tools.

**Are ECAD audits allowed to continue?**

The City of Austin has suspended ECAD audit requirements for the sale of residential property for the duration of the City's shelter-in-place order. This was a direct result of ABoR's advocacy efforts to keep everyone home and safe during this time. The Energy Conservation Audit and Disclosure (ECAD) ordinance requires that before the sale of a home, owners of a residential building must disclose a home energy audit if certain conditions apply. Owners of residential homes sold while the shelter-in-place order is in effect will be required to obtain an audit after the order expires.

***I have a small office / am practicing social distancing, so I think it's OK to continue to show property and conduct in-person business at this time.***

It's imperative that you abide by the shelter-in-place orders and any other restrictions issues by local, state, and national entities. The sooner our industry is a partner in compliance, the sooner our lives can return to normalcy and our market will return to its robust state.

***Can we bring back the "Coming Soon Status" on the MLS so people can virtually tour properties from home?***

A Coming Soon status is not necessary to virtually tour properties in the MLS. Our ACTRIS MLS rules currently allow for virtual tours and showings to be used for Active listings.

***Is there a form I can use for COVID-19?***

Texas REALTORS® has developed several forms REALTORS® can use related to COVID-19, including:

- [Residential COVID-19 Contract Addendum \(TXR-2520\)](#)
- [Commercial COVID-19 Addendum \(TXR-1952\)](#)
- [COVID-19 Lease Payment Plan Agreement \(TXR-2227\)](#)
- [Model COVID-19 Certification for Property Access \(for Brokers\)](#)

It and other Texas REALTORS® forms are available at [ABoR.com/COVID19](http://ABoR.com/COVID19). As always, agents should check with their broker ahead of any and all contract changes, including using this addendum.

***I'm a tenant with a lease that allows lockboxes and showings at the term of my lease.***

***What can I do to prevent my property from being shown at this time?***

ABoR cannot advise tenants. Tenants should address concerns with their landlord. Property managers should address any concerns with their broker and/or attorney to determine what the lease laws and conditions might be available to them.

***My license is about to expire. What do I do?***

The Texas Real Estate Commission has [waived all renewal and application deadlines until May 31, 2020](#). That said, there's no need to wait! If you're an ABoR member, you can get the CE credit you need to renew your license for FREE today through AceableAgent at [www.abor.com/freeze](http://www.abor.com/freeze).

***What can I be doing to keep my business thriving during this time?***

Many agents are implementing virtual tools to engage clients and show their listings, so that they can stay home and work safe. Take time to check in on your clients. Find out how they're doing and how you can help them, even if it's helping to coordinate a grocery delivery or sending over a favorite online workout or recipe.

Now is also an ideal time to expand your sphere and prospect new clients. Revisit your business development plan and take time to make your listing presentation, marketing materials and website as strong as possible. In addition, take advantage of your free CE hours, available through [Aceable Agent](#) and ABoR Academy—which will be going virtual soon.

**How are ABoR operations shifting in light of COVID-19 and the Stay Home, Work Safe order?**

The Austin Board of REALTORS® staff is working remotely but we have closed all three locations until further notice. ABoR staff is available to serve members during our normal business hours by contacting [support@abor.com](mailto:support@abor.com) or calling 512.454.7636.

- As long as the shelter-in-place orders are in effect, ABoR will not be offering REALTOR® Store sales or lockbox sales. Members can still receive support on their existing products/lockboxes by emailing [support@abor.com](mailto:support@abor.com).
- In lieu of Saturday walk-in service, please email [support@abor.com](mailto:support@abor.com).

Previously scheduled ABoR classes and events have been cancelled through April 30, 2020. We are working hard to have a virtual option for ABoR Academy classes available soon. Committee and volunteer group meetings will be held virtually as scheduled via Zoom. If you serve on a volunteer group, please contact your committee liaison for more information.

**Can I get a refund for my MLS or Association membership fees?**

Our current refund policy allows for partial refunds for unused months of ACTRIS MLS fees, based on a monthly proration schedule for unused service. We are not able to process refunds for ABoR member access fees, or Texas REALTORS® or National Association of REALTORS® dues paid to date.

Agents seeking a refund for their Spring MLS and Supra eKEY® fees, which cover a service period of April 1 –September 30, 2020, can receive a full refund by contacting [support@abor.com](mailto:support@abor.com) before **April 3, 2020**. After April 3, only partial refunds for unused months of MLS subscription fees will be available.

**Will ABoR be waiving MLS or Association membership fees?**

At this time, we are not waiving MLS or ABoR access fees. We understand that we're in unprecedented times, and we want to be able to continue to serve our 14,000+ members and provide you with the real-time resources and guidance you need. So far, we have waived late fees and reinstatement fees for our Spring MLS & Supra eKEY® billing cycle and have extended the final payment deadline from March 31 to Friday, May 4, 2020. As this continues, our leadership will regularly monitor the implications of this pandemic on our market and will communicate any changes going forward. Austin real estate is still open for business, and we hope you will be able to continue onward with us.

### **What about my ActiveKEY?**

Supra ended ActiveKEY support in the ACTRIS MLS area on **April 1**. In February, ActiveKEY users were billed for a six-month Supra eKEY® subscription (April 1-September 30, 2020) and must now transfer to an eKEY® account. To set up your eKEY, [schedule a phone appointment](#) with a Member Advocate, or call 512-454-7636 at your earliest convenience. Due to current shelter-in-place orders surrounding COVID-19, if you have not yet returned your ActiveKEY, we ask that you hold on to your device until ABoR offices are open once more.

### **Why isn't ABoR responding faster and providing more details?**

The COVID-19 pandemic has been and continues to be a rapidly evolving situation and we're doing everything we can to keep you up-to-date and informed on the latest news impacting Austin REALTORS® and our marketplace. This includes [regular email updates](#) to members as well as real-time updates to our [COVID-19 Resource Page](#), which has need-to-know news, forms, client resources, expert interviews and more on how to keep your business running during this unprecedented time.

### **As an independent contractor. Am I eligible for the Federal Relief Package?**

Yes. The National Association of REALTORS® has been actively advocating on behalf of REALTORS® for independent contractors to be included in emergency legislation related to COVID-19, including the [CARES Act](#). Learn more and follow [NAR's Coronavirus Resource Page](#) for the latest updates on aid for REALTORS®, and read its [Coronavirus Advocacy FAQ page](#).

### **As an independent contractor, am I eligible for unemployment insurance through the CARES Act?**

Yes. Real estate professionals will be eligible to apply for unemployment insurance benefits, under the "Pandemic Unemployment Assistance" portion of the bill if they have been fully or partially unemployed due to an inability to work as a result of the COVID-19 public health emergency. This includes self-employed individuals and independent contractors. States use a benefit formula to determine benefit amounts. Unemployment benefits will be calculated based upon the weekly amount of compensation that the individual would have been paid as computed by the states for a week of total unemployment. In computing benefit amounts, states consider an individual's wages based upon the most recent tax year, and net income from all self-employment that was reported on the individual's tax return. For more information, please reference NAR's analysis of the CARES Act [here](#). NAR has also created an FAQ page about the "Pandemic Unemployment Assistance" that can be found [here](#).

### **How do I file for unemployment?**

Texas REALTORS® can [apply for unemployment insurance through the Texas Workforce Commission](#) (TWC). As the website notes, TWC is receiving a high volume of applications and suggests using the online portal between 10:00 p.m. and 8:00 a.m. TWC has also expanded phone hours to 8:00 a.m. to 6:00 p.m. Monday through Friday.

### **Can I apply for a small business loan under the CARES Act?**

Another component of the CARES Act is the U.S. Small Business Administrations' new Paycheck Protection Program, which authorizes up to \$349 billion in forgivable loans to small businesses to pay their employees during the COVID-19 crisis.

All businesses with 500 or fewer employees may apply, including sole proprietors, independent contractors, gig economy workers, and self-employed individuals who are struggling to pay their bills due to the shutdowns and stay-in-place orders aimed at curbing the spread of the coronavirus.

The program is intended to cover payroll, mortgage interest, rent, and utilities for an 8-week period during the crisis. Small businesses and sole proprietors can apply beginning Friday, April 3. Independent contractors and the self-employed can apply beginning **Friday, April 10**. [Visit SBA.gov](https://www.sba.gov) for details on how to apply, who is eligible, a list of lenders, and more. More resources:

- Treasury.gov: [PPP Borrower Information Fact Sheet](#)
- Treasury.gov: [Assistance for Small Businesses](#)
- NAR's Coronavirus Advocacy FAQs: [Click on Independent Contractors/Small Business Concerns](#)
- [NAR's Economic Contribution of Small Business Industry by State](#).
- [NAR's SBA loan program FAQ page](#).

### **Can new construction continue under the statewide executive order?**

In reviewing the [statewide executive order](#), which uses the [U.S. Department of Homeland Security's guidance](#) on essential services, it is our interpretation that residential and commercial construction is allowed to continue across the state. The City of Austin and Travis County have stated that they will no longer prohibit residential or commercial construction. That said, in-person contact should be limited to only what's absolutely necessary and closely [follow CDC guidelines](#) and the guidance from the [City of Austin](#) and [Travis County](#) when it does occur. You should continue to take extreme caution in any in-person interaction to protect yourself and discourage the spread of COVID-19. If you have additional questions about the impact of the statewide executive order residential construction, please contact the Texas REALTORS® Legal Hotline at **1-800-873-9155**.

### **Are we suspending/reducing the CDOM/ADOM for listings during this pandemic?**

Days on Market is but one market metric used to measure the performance of individual listings in the housing market. Just as seasonal shifts can happen, you should expect shifts in the days on market in association with this pandemic. ABoR has chosen not to suspend days of market at this time. We believe this puts REALTORS® in the driver's seat, when helping your clients understand the context of market data during this time.

If your client wishes to discontinue all showings (virtual included) and suspend the marketing of their property, we recommend you use Temporary Off Market (T) status. This will freeze your DOM counter

and signal that your listings agreement is still valid. Both CDOM and ADOM do not accrue while a property is in T status and there is no limit to how many days a listing can be in T status. This will also prevent agents from contacting your client since an active listing agreement is still in place.