

From: New Mexico Association of REALTORS® <info@nmrealtor.com>
To: tclarke@nmapartment.com
Subject: News From Your Association - IMPORTANT ANNOUNCEMENT



IMPORTANT ANNOUNCEMENT
REAL ESTATE UNDER THE LATEST GOVERNOR'S ORDER
ORDER EFFECTIVE NOVEMBER 16 - 30, 2020

On November 13, 2020, Governor Lujan Grisham and state health officials issued a new public health order (Order). Among other things, the Order directed all businesses and non-profit entities, except those entities defined as "essential businesses," to reduce the in-person workforce at each business location by 100%. "Essential businesses" were permitted to remain open, provided they minimize their operations and staff to the greatest extent possible.

Real estate was not specifically listed as an "essential business" in the Order. Consequently, NMAR has been working tirelessly since Friday to return real estate to the essential services list. Despite our best efforts, we received a response yesterday that "real estate was non-essential and brokers would need to work remotely". Brokers predominantly work remotely as it is, but there are practical aspects of real estate that cannot be conducted remotely, such as [some] showings, inspections, appraisals and closings. For this reason, NMAR continued to work towards clarification. This morning we obtained from the Governor's Office the following guidance to our specific questions.

1. Real Estate brokerages and REALTOR® Associations must close their physical offices. Real estate brokers/staff and Association staff must work remotely;
2. Brokers may NOT have personal interaction with customers/clients or those involved in the real estate transaction; all communications must be done remotely. Open Houses are prohibited;
3. Properties MAY continue to be shown; however, the buyer must visit and inspect the property without the broker.*
4. Inspections, repairs, appraisals and other services as required by the Purchase Agreement may continue; however, again, the broker cannot have personal interactions with the individuals performing these services; all communication/interaction must be done remotely.
5. Title companies MAY continue to Close transactions.
6. Real Estate has been crucial to keeping our economy going since this pandemic began and we strongly believe that it **is** an essential service. NMAR will continue to work with the Governor's Office and the Public Health Officials to specifically return real estate to the list of "essential businesses" in the next public health order. To assist in that endeavor, you may wish to contact the Governor's Office directly at the following address/phone:

490 Old Santa Fe Trail Room 400

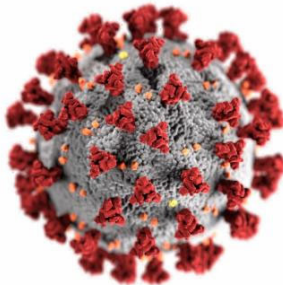
Santa Fe, NM 87501

Phone: (505) 476-2200

Toll free: (833) 520-0020

To send an email to Governor Lujan Grisham, visit
<https://www.governor.state.nm.us/contact-the-governor/>.

***GUIDANCE FROM NMAR LEGAL COUNSEL:** This can be accomplished by the broker opening the home for the buyer and then allowing the buyer to tour the home without the broker present. If a seller is not comfortable with this arrangement, showings of the property will have to cease through November 30, 2020. If a seller is willing to allow the potential buyer in the property without the presence of a broker, then the seller should be reminded to secure all valuables and medications. If a buyer is not comfortable touring a home without his/her broker, the buyer will have to suspend the viewing of properties through November 30, 2020.



NMAR Resource Page Coronavirus (Covid-19)

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