

Questions and Answers

Q: Regarding COVID-19 stay at home orders, are real estate brokers considered essential service providers or are they required to stay at home?

A: That depends on where you live and work. According to the Governor's Executive Order 121, brokers are exempt from the stay at home order under 121(2)(C)(25).

<https://files.nc.gov/governor/documents/files/EO121-Stay-at-Home-Order-3.pdf>

When considering whether to engage in brokerage activity, keep in mind that the Order explicitly directs even essential business operations to work from home or telework to the maximum extent possible.

The Governor's order does not preempt any local order that is more restrictive. Many local governments across the state have issued stay at home orders that also apply, so brokers must check each county in which they live or do business to see if they are allowed to leave home to practice real estate. The NC Realtors have links and information on the [State and local orders here](#).

Q: If I'm listing a property for sale or rent, is it okay to list square footage and/or other information as "to be verified" if access to the property is prohibited due to the stay at home order?

A: Brokers generally are required to verify information before advertising it. If measuring the property isn't possible, it's best not to advertise the square footage at all until it can be measured, in order to avoid misrepresentation. That goes for discovery and disclosure of other material facts as well. Brokers have a duty to discover and disclose material facts, which is likely not possible without visiting the property. Of course, if a complaint is made, each case is evaluated on its own merits, taking into account all the facts and circumstances, including the disclosures made by the broker about limitations on the information provided.

Q: Under the federal *Coronavirus Aid, Relief, and Economic Security Act (CARES Act)*, are landlords/property managers allowed to evict tenants?

A: Some tenants are protected, but only under certain circumstances, depending on the type of housing provided. The law includes immediate protection for tenants for 120 days beginning March 27, 2020. Please check the following National Housing Law Project (NHLP) link below for a summary of covered tenants.

<https://www.nhlp.org/wp-content/uploads/2020.03.27-NHLP-CARES-Act-Eviction-Moratorium-Summary.pdf>

Q: I heard there is a new COVID-19 addendum for the standard Offer to Purchase and Contract. Is the COVID-19 addendum mandatory?

A: No. Real estate contracts are negotiable between the buyer and seller, including whether to use the NC Realtors' new COVID-19 addendum, or any other addendum. However, use of the addendum might be a good idea in some transactions, so brokers should provide them to their clients and customers to consider. Non-realtors should consult a North Carolina real property / closing attorney for an addendum

if needed. And, brokers should consult their broker-in-charge as to the office policy for using the new addendum.

Q: Where can I find information about vacation rentals during the COVID-19 emergency?

A: Click below to see:

- [The Commission's Statement on Vacation Rental Act and Tenant Refunds Due to COVID Related Road/Bridge/Access Closures](#)
- [North Carolina Real Estate Commission Memorandum regarding N.C. Gen. Stat. §§ 42A-1 et seq.](#)
- [Do North Carolina Vacation Rental Managers Owe a Duty To Disclose if a Guest Tests Positive for COVID- 19 to Owners and Future Renters?](#)