

Real Estate Licensee Activity and Operations Now Permitted

Following Lifting of COVID-19 Restrictions in NYS

As of June 15, 2021, the majority of New York State's COVID-19 restrictions have been lifted. Compliance with NYS's COVID-19 public health guidance is now **optional** for commercial building operations, office work, residential building operations, construction, brokerage offices, and brokerage/sales operations for real estate licensees. This includes social gathering limits, capacity restrictions, social distancing, cleaning and disinfection, health screening and contact information for tracing.

Consistent with State action, all voluntary industry guidance and forms previously issued by REBNY are no longer applicable.

The following is a list of frequently asked questions and answers to help real estate licensees better understand how these changes affect their business. Please visit ny.gov/forward for more information.

Are the REBNY COVID Health Questionnaire and/or Limited Liability Form(s) still required?

No. These voluntary forms are not required. All voluntary industry guidance and forms previously issued by REBNY are no longer applicable. However, should an Agent or Broker choose to utilize these forms going forward, they must practice it uniformly for all in-person interactions in order to remain compliant with Fair Housing rules and regulations.

Important Note: This FAQ document should not be construed as offering or providing legal advice in any form. The information contained herein is for informational purposes only and is not intended to be exhaustive or complete. This document is not intended to replace the reader's need to speak with their own legal counsel regarding the issues presented. All readers should seek independent legal advice where they have specific legal questions pertaining to specific legal circumstances or where otherwise appropriate.

Are face masks or coverings still required for in-person showings or meetings?

No. Fully vaccinated individuals are no longer required to wear face masks or coverings in public settings. However, State rules do require that masks be worn by unvaccinated individuals, consistent with [federal CDC guidance](#).

Can I still cancel or postpone a meeting or showing if I or someone else has Coronavirus (COVID-19), cold or flu-like symptoms?

Yes. Any party may cancel or postpone a showing without prejudice or penalty upon any indication of [Coronavirus \(COVID-19\)](#), cold or flu-like symptoms.

Do I still need to clean and disinfect all high-touch areas and surfaces before and after each showing?

No. However, it's important to remember that buildings do have the option to impose continued requirements in terms of cleaning and disinfecting between appointments. It's imperative that real estate licensees stay informed on respective building regulations and restrictions going forward.

Can I go back to holding traditional open houses now?

Yes. With the lifting of NYS restrictions, traditional open houses are permitted. However, it's important to remember that businesses/buildings do have the option to require masks, social distancing, etc. within all or select areas of their business/building. It's imperative that real estate licensees stay informed on respective business/building regulations and restrictions going forward. If that business/building is permitting open houses, you're free to hold an open house pursuant to the regulations imposed by that business/building. Please remember that unvaccinated individuals must continue to wear face coverings and comply with social distancing guidelines in most settings.

Do I need to limit the number of people who attend a showing?

No. NYS has lifted restrictions on social gathering limits, capacity restrictions and social distancing. Unless otherwise required by the business/building in which the showing is taking place, licensees are not required to limit attendees for in-person showings.

Do I still have to use the First Rider to the RUNDBA for New Development transactions?

No. As outlined in the [Rider](#), government orders regulating the in-person showing of units have been lifted and this document is no longer required.

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Is E-Notary still permitted for virtual closings?

No. Executive Orders issued during the State of Emergency previously enabled notarizations to occur remotely in certain circumstances. The expiration of the State of Emergency discontinues the policy framework that enables remote notarization to occur. However, during the 2021 session of the State Legislature, new legislation was passed that will permanently allow remote notarization in New York State. Once signed, the legislation goes into effect 180 days later and a rulemaking process will occur. As of June 24, 2021, remote notarization is no longer available in New York State until the new law is enacted. We will keep you informed as to when e-notary is once again permitted.

If most restrictions are lifted, does that mean I can start cold calling again?

Yes. The end of the State of Emergency means that real estate licensees and real estate professionals may resume making unsolicited phone calls (cold calls) to members of the public. Please be aware that should a state of emergency be re-imposed in the future, a cold call prohibition would be immediately re-imposed pursuant to New York State General Business Law.

Am I allowed to ask for proof of vaccination?

Yes. Licensees are permitted to ask for proof of vaccination. If an individual is unwilling or unable to provide such proof, they may be asked to wear a face mask or covering during in-person meetings or showings.

Consistent with [CDC guidance](#), unvaccinated individuals must continue to wear face coverings and adhere to social distancing protocols. In addition, [New York State](#) is requiring that COVID-19 Health Protocols remain in place and must continue to be followed in the following settings:

- Fairs and Festivals
- Large-Scale Indoor Events and Venues (holding 5,000+)
- Pre-K to 12 Schools
- Public Transit
- Professional Sports with Fans

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