

MEMO

TO: New Jersey Realtors® Board of Directors
FROM: Jarrod Grasso, CEO
DATE: March 29, 2020

Re: New Federal Guidelines Effect on NJ Real Estate

Yesterday, the U.S. Department of Homeland Security Cybersecurity and Infrastructure Security Agency (“CISA”) issued updated guidelines which provide that “residential and commercial real estate services, including settlement services” are part of the essential critical infrastructure workforce. Although CISA made it clear the guidelines are “advisory in nature” and should not be considered a federal directive, it provides direction for those states that previously have not considered real estate services to be essential services.

However, in New Jersey, under the Governor’s Executive Order 107, which shut down “retail businesses” that were not listed as being exempt in the Order, real estate brokerage services are not considered to be “retail businesses” and therefore were permitted to continue to do business subject to two limitations. The Order, in essence, requires that businesses that were permitted to continue to operate, such as real estate brokerage services, “must accommodate their workforce, wherever practicable, for telework or work-from-home arrangements” and “make best efforts to reduce staff on site to the minimal number necessary to ensure that essential operations can continue.” Thus, real estate agents in New Jersey can continue to do business, but should do so remotely to the extent practical. At this point, CISA’s updated guidelines do not appear to have any affect with regard to the real estate brokerage industry in New Jersey.

You also should be aware that Executive Order 107 requires people to “remain home or at their place of residence” unless they need to leave for one of the reasons listed in the order. Since buyers leaving their homes to view properties they might want to purchase is not listed, New Jersey Realtors® has been in constant contact with the Governor’s Office to try to get clarification about this issue. **As a result, it is strongly recommended that showings of homes be by virtual tour and that there be no in-person showings in order to ensure compliance with the order and for obvious health reasons.** Of course, safe social distancing also is required by the order and should always be practiced.

For more information please consult our updated FAQs.