**OAR Guide for Operating During COVID-19**

**What’s Inside?**

* **County status and statewide requirements**
* **Opening offices/resuming office work**
* **Showings and open houses**
* **Transaction guidance**
* **Fair housing**
* **Tenant-occupied properties**

**County Status (October 15, 2020)**

**[](https://govstatus.egov.com/reopening-oregon#countyStatuses)**

**Click map for link to latest county status report**

**Requirements for All Counties**

* Face masks are required for ages 5 and up in indoor public spaces and outdoors anywhere 6 ft. physical distancing isn’t possible, including while exercising.
* All indoor social get-togethers are capped at 10 people.
* Restaurants and bars close at 10pm.
* Capacity limit for restaurants, gyms, venues (e.g. concert halls, movie theaters) is maximum of 100 people indoors, including staff.
* There are additional guidelines statewide for retail, public transit, childcare, summer camps and summer school, outdoor recreation, and more.

For more information and additional guidance, visit <https://govstatus.egov.com/or-covid-19>.

**General Best Practices**

* Always maintain 6ft distance between individuals not from the same household
* Cough and sneeze into elbow or tissue (if tissue, immediately wash hands)
* Regularly wash hands with soap and water for 20 seconds and use hand sanitizer
* Avoid touching face
* Follow strict sanitization protocols including use of [EPA-approved disinfectants](https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19)

**Opening and Operating Offices**

For counties that are in Phase 1, work in offices is prohibited whenever telework and work-at-home options are available in light of position duties, availability of teleworking equipment, and network adequacy. Businesses that fail to comply with this directive will be closed until they demonstrate compliance. For Counties in Phase 2, work from offices is allowed although work from home is still recommended (see Governor Brown’s [Executive Order 20-27](https://www.oregon.gov/gov/admin/Pages/eo_20-27.aspx)).

**Making the Decision to Open the Office**

* While reopening offices is allowed under Phase 2, the Governor and Oregon Health Authority still recommend remote work if it’s an option.
* Companies considering reopening the office should follow CDC [recommendations for employers](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html) including [recommendations for office buildings](https://www.cdc.gov/coronavirus/2019-ncov/community/office-buildings.html).

**Guidance for Reopening and Operating the Office**

* Dedicate a responsible person (supported by a “team” if at a larger office) to develop, update and ensure compliance with health/safety protocols.
* The dedicated health/safety person (or team) and company leadership should understand (and review for updates at least once per week) key controlling and persuasive guidance for employee, customer and workplace safety. This includes:
  + [Governor Brown’s Executive Orders](https://www.oregon.gov/gov/admin/Pages/executive-orders.aspx) (current controlling order is [20-27](https://www.oregon.gov/gov/admin/Pages/eo_20-27.aspx))
  + [Oregon Health Authority Employer Guidance](https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2342C.pdf) and [other guidance from the Governor’s office and the Oregon Health Authority](https://govstatus.egov.com/or-covid-19/).
  + [Centers for Disease Control Guidance for Businesses and Workplaces](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html)
  + [US OSHA Guidance on Preparing Workplaces for COVID-19](https://www.osha.gov/Publications/OSHA3990.pdf)
* Develop a written plan for the office that addresses 1) work-place safety practices 2) engineering/building controls to protect workers/customers and 3) human resources
* Be in constant communication with employees/contractors about the plan and get their feedback on the plan (employees/contractors know the work they do and where risks may arise and are often in the best position to advise the company) initially and ongoing.

**Workplace Safety Practices**

* Require employees and visitors to remain 6ft apart; limit # of people in office/stagger shifts if this will be difficult to maintain; re-arrange cubicles/office layout to ensure 6ft distancing.
* Require employees and visitors to wear face coverings. [Review the OHA guidance on face covering](https://govstatus.egov.com/or-oha-face-coverings) policies and accommodations. As of 10-19-20, face shields alone are not sufficient.
* Continue to do Zoom/virtual meetings when possible, rather than hosting meetings at office.
* Identify high-risk areas/interactions that increase likelihood of spread (i.e. elevators, common areas (kitchen, conference rooms, bathroom, etc.), hallways, shared equipment (copiers, vending machines, refrigerators etc.) and make sure they are included in your plan.
  + If using conference room everyone should sit 6ft apart, post instructions for wiping down stuff that has been heavily touched (i.e. phone, remote, doorknobs)
  + One person at a time in kitchen, copy room or other small, shared spaces
  + [EPA approved disinfectant](https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19) w/wipedown instructions at all shared equipment: copy machine, in kitchen near high touch areas like coffee maker, sink, fridge, microwave
* Post [CDC](https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html) and [Oregon Health Authority](https://govstatus.egov.com/OR-OHA-COVID-19#collapseOHAGuidance) posters outside and inside the building, in all common areas and in/around offices/cubicles demonstrating policies including maintain 6ft distance, coughing/sneezing, handwashing, what to do if sick and face covering protocols.
* Put arrows on floor directing one-way traffic around offices and cubicles if there is a loop.
* Have hand sanitizer available at/near every office/cube and in common areas and ask employees to use it anytime they enter a common area.
* Regularly wipe-down with [EPA-approved disinfectant](https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19) high touch areas like elevator buttons, common door knobs, etc. Specify who/how this will get done.

**Building/Engineering Controls**

* Post sign next to elevator limiting elevator to people from one household at a time.
* Janitorial
  + Increase frequency of cleaning and [EPA-approved disinfection](https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19) in high density and high-touch areas, such as building and elevator lobbies; elevator interiors, buttons and surfaces; restrooms; furniture; fixtures; door knobs; switch plates; shared conference spaces; building and suite entrances; mats; handrails; turnstiles; counters; trash containers; and other frequently touched surfaces.
  + Confirm that cleaning staff follow EPA, CDC and other government-approved guidelines, recommendations, and directions for cleaning products and procedures.
  + Have a [sanitation protocol in place](https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html) for if someone at your office is diagnosed with COVID-19.
* HVAC
  + Have an HVAC contractor come out to make sure your system is up to speed on ASHRAE guidelines and best practices around aerosol transmission.
  + During low- or no-occupancy periods and prior to building re-entry, run HVAC equipment in building and tenant spaces on at least a reduced–if not regular–schedule.
  + Continue normal and regular HVAC maintenance, including filter changes. Check with your building engineers and HVAC contractor for any other recommended maintenance, changes in maintenance schedules, or filter or system upgrades.
  + If possible, consider increasing exhaust and infusion of outside air for re-entry and perhaps for several weeks following re-entry (you may need to re-evaluate this based on wildfire smoke conditions).
* Plumbing and Water
  + During low- or no-occupancy and prior to building re-entry, operate water systems, toilets, faucets, etc. on a regular basis to avoid the accumulation of biofilm and other bacteria which can accumulate in as little as 3-5 days. Check P-traps to confirm water seals have not dried out due to lack of water flow.
  + Continue to monitor and service all water systems, including hot water heaters, ice machines, filtration systems, etc.

**Human Resources Practices**

* Before employers and contractors return to work, consider doing a self-screening questionnaire asking about recent exposure. See appendix for editable form.
* Consider doing a morning check-in with everyone to confirm that they are not expressing symptoms and have not been potentially exposed. This could be done remotely over email before people come to the office (ideally). We’ve also attached a form that can be used.
* Make clear that if someone is at all feeling sick, is frequently coughing or sneezing, or has been around someone who has been diagnosed or showing symptoms they should not come to work and should leave work immediately if these symptoms arise.
* Train employees on safety, including how to use proper hygiene to stop the spread of the virus and what to do if they are sick or have been around someone who is sick, using [tools available by CDC](https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html) and train employees on the companies re-opening plan.
* Ensure that employee handbooks are updated as to company policy and supplemented with materials on the new [paid sick and family leave benefits in the Families First Coronavirus Response Act (FFCRA)](https://www.dol.gov/agencies/whd/pandemic/ffcra-employer-paid-leave). Train employees on these policies (consider a training from an HR or employment law expert) and make sure that the HR staff person is up to speed.
* Develop a remote work policy for employees. A remote work policy can have some general guidelines but then also be tailored to each position as each position is unique in its needs/requirements for being in the office.
* Develop a work travel policy. This policy can be revisited depending on the latest information on the spread of the virus.
* If an employee or contractor becomes sick with COVID-19 symptoms or exposed to COVID-19, follow CDC guidelines on [what to do when an employee has been exposed](https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html).
* To determine if an employee or contractor who has been ill with or exposed to COVID-19 can return to work, use the Return to Work Flowchart contained in the appendix.
* COVID-19 health and safety practices should be applied to all employees and contractors.

**Practicing Real Estate**

For more tips on practicing real estate during the pandemic, see [NAR’s Coronavirus: A Guide for REALTORS®](https://www.nar.realtor/coronavirus-a-guide-for-realtors).

**Showing Homes**

Regardless of County Phase, REALTORS® should continue to follow the strict showing and sanitation protocols they have been using since the COVID-19 outbreak began. REALTORS® and their clients should follow all requirements that apply to indoor spaces open to the public, including wearing face coverings and maintaining 6ft distancing. Check out [NAR’s Showing Guidance During COVID-19 document](https://www.nar.realtor/sites/default/files/documents/Showing-Guidance-During-COVID-05-14-2020.pdf) for additional tips on showing homes during the pandemic. Also, OAR’s [COVID-19 Buyer and Seller Advisories](https://oregonrealtors.org/protect/buyer-seller-advisories/) provide tips for sellers and buyers to consider regarding showing protocols. Review these documents and provide them to your clients. Regarding open houses, see information below.

**Transaction Guidance**

[NAR’s Coronavirus: A Guide for REALTORS®](https://www.nar.realtor/coronavirus-a-guide-for-realtors) continues to be a helpful guide on COVID-19 issues that may come up in the transaction. REALTORS® should provide buyers and sellers with the [OAR Buyer and Seller Advisories](https://oregonrealtors.org/protect/buyer-seller-advisories/) including the original advisories as well as the COVID-19 updates. REALTORS® can also make use of OREF’s COVID-19 addendum (check your forms library) to give your clients peace of mind if a COVID-19 issue or delay arises in the transaction.

**Open Houses**

Open houses are not addressed directly in any guidance from Governor Brown or the Oregon Health Authority. There are size limits on indoor gatherings for cultural, civic and faith gatherings (50 people) and social get-togethers (10 people) that apply in both Phase 1 and Phase 2, although open houses do not fit neatly into [these definitions](https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2351g.pdf). Regardless, any indoor event must maintain 6ft social distancing, face coverings and strict sanitation protocols. Traditional open houses cannot guarantee 6ft distancing so REALTORS® should only host modified open houses. Examples are open houses by appointment only or where one family tours the home at a time (maintaining 6ft distance from REALTOR®) and other individuals/families line up outside 6ft apart (consider marking off 6ft distances). REALTORS® who are hosting modified open houses should review the Oregon Health Authority guidance on [events/gatherings](https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2351G.pdf) and on [face coverings](https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2288K.pdf) and follow other strict showing protocols as outlined in [NAR’s Showing Guidance During COVID-19 document](https://www.nar.realtor/sites/default/files/documents/Showing-Guidance-During-COVID-05-14-2020.pdf). Virtual open houses are still a good option.

**Fair Housing**

REALTORS® should continue to implement practices that protect the health and safety of themselves and their clients while also respecting Fair Housing laws. NAR has developed [Guidance for Fair Housing Compliance During the COVID-19 Pandemic](https://www.nar.realtor/sites/default/files/documents/NAR%20COVID-19%20FH%20QAs%20%28Revised%2006%2004%2020%29%20FINAL%20for%20PUBLICATION.pdf) document. Regarding reasonable accommodations to face covering policies, see [OHA’s Guidance on Face Coverings](https://sharedsystems.dhsoha.state.or.us/DHSForms/Served/le2288K.pdf).

**Tenant-Occupied Properties and Landlord Issues**

Landlords across Oregon are now subject to tenancy termination and eviction restrictions at the federal, state and in some instances, local level. Review OAR’s summary of the federal and state eviction bans [here](https://oregonrealtors.org/local_news/residential-eviction-ban-extended-to-dec-31/). [Click here](https://www.multifamilynw.org/news/changes-to-eviction-moratoria-in-oregon) for a comparison of state eviction restrictions and Multnomah County restrictions. Check with your local county and city to determine if any additional local restrictions are in place. Under all of the eviction bans, terminating a tenancy for the sale of a home to a buyer who intends to move in as a primary resident is allowed after the first year of tenancy with proper notice. Under the federal and state ban (but not the Multnomah County ban) landlords may terminate a tenancy after the first year if the landlord or the landlord’s immediately family member is moving into the unit, under certain conditions. Read the OAR summaries and talk with an attorney if you have any questions or concerns. Landlord/ tenant issues present a major risk for landlords, buyers, sellers, and REALTORS® right now. Visit [Multifamily NW](https://www.multifamilynw.org/news/new-forms-rent-forbearance-request-and-emergency-covid-19-agreement) and the [Oregon Rental Housing Association](https://www.oregonrentalhousing.com/) for additional information on developments affecting landlords and access to forms that may be helpful to landlords. **You should encourage any buyer or seller who is planning to engage in a transaction with a tenant-occupied property to contact an attorney**. **Do not offer legal advice regarding Landlord/Tenant laws to your clients.**

In-person showings of a property occupied by tenants during the COVID-19 crisis is a difficult issue. It should be avoided if possible. If it cannot be avoided, sellers/landlords should review their rental contract with tenants as well as [ORS 90.322](https://www.oregonlaws.org/ors/90.322) which deals with landlord access to the premises. Additionally, sellers/landlords should develop, and agree with their tenants in writing, about strict procedures for showing the property that comply with all social distancing, sanitation and health and safety guidelines of the Governor, the Oregon Health Authority and the Center for Disease Control. If sellers/landlords and tenants cannot come to a mutually acceptable agreement about showings and the health and safety procedures, sellers/landlords should drop the issue or seek advice from an attorney. While sellers/landlords have certain contractual and statutory rights to enter the property, tenants may object to the landlord’s entry if the tenant believes the entry is unreasonable. If a buyer objects, only a court can resolve the matter. Also, Sellers/landlords should also be aware that conflicts over the issue of showing the property during COIVD-19 could result in future retaliation claims (even if not valid) against the landlord if and when the landlord takes an action that the tenant is not pleased with. For these and other reasons, it is prudent to avoid the issue of showing tenant occupied homes during COVID-19 if possible.

Dealing with tenant occupied properties during COVID-19 creates significant risks for landlords, buyers, sellers, and REALTORS®**. Any party engaging in selling, showing, or managing a tenant-occupied property should consult with an attorney before taking any action that may affect a tenant’s rights.**