Important Points from the Michigan REALTORS® Website

1. Home inspectors are included under the term "financial services" only to the extent that a loan program or existing purchase agreement requires an inspection by a qualified inspector before the transaction can be completed. Must prove there is an existing contract and inspector is "qualified." (Real estate licensees cannot act as a home inspector to list and sell properties, nor ask a "qualified" home inspector to list or show properties on their behalf)
2. Home inspectors do not have to accept assignments.
3. Real estate licensees can only attend closings remotely (via phone or video conference). Licensees should review the closing documents prior to closing to comply with license law making sure the details of the sale are consistent with the purchase agreement.
4. Licensees cannot personally visit a home to take photos for a listing, regardless if the resident is present or not.
5. "Walkthroughs" are not permitted during the Governor's Order. They must either be done remotely, waived or the closing delayed until the Order is lifted and the walkthrough completed.
6. Buyers can attend the home inspection… *but only with the permission of both the inspector and the sellers. Inspectors, like other persons who have been deemed "critical infrastructure workers," are responsible for implementing mitigation measures for protecting their patrons as necessary to comply with the Governor's Order.* [Michigan REALTORS® COVID-19 FAQ's]
7. Buyer's cannot use the coronavirus pandemic to unilaterally terminate a pending contract. This could result in a breach of contract with damages assessed to the breaching party.
8. A cash buyer cannot use the excuse that they no longer have sufficient funds to close on the home due to current financial conditions of the market. This could also result in a breach of contract by the buyer.
9. The only exception that allows real estate licensees to qualify as "critical infrastructure workers" is if they represent someone with a "genuine and emergent need for shelter." This is viewed as commonly disadvantaged or otherwise needy individuals, or individuals who need assistance as a result of this emergency (e.g., medical workers).
10. It has been construed that movers may continue to do business under the essential critical designation" employees supporting or enabling transportation functions" and "shipping workers." Buyers and sellers are permitted to move from their current residence to their current residence. The "financial services" exemption permits the closing of residential real estate transactions, which includes the contractual obligation of occupancy.
11. The Governor's Order applies equally to both occupied and vacant homes.
12. Licensees cannot place or remove signs from a seller's yard since they may not travel to a seller's home for any reason.
13. The "financial services" exemption includes title companies, appraisers, surveyors, register of deeds and notaries.
14. Michigan residents with two residences may no longer travel from one residence to the other.
15. For-Sale-By-Owners (FSBO) cannot privately show or hold open houses to potential buyers.
16. Licensees may advertise and rent homes or short-term vacation properties to help "individuals who need assistance as a result of an emergency" find shelter. This is interpreted to mean health care professionals or volunteers aiding in the response to the crisis (but no other purpose.)
17. Buyers and Sellers can extend the 30-day time frame in the Michigan Realtors *Covid-19 Event Addendum to Purchase Agreement* by mutual agreement and adding the following language: *The extension period set forth in the COVID-19 Addendum shall be extended to* _____(insert date).

18. No medical information should be disclosed regarding the parties to purchase agreement using the Michigan Realtors *Covid-19 Addendum.*
19. Any changes or modification to the Michigan Realtors *Covid-19 Addendum* requires the removal of any Michigan Realtors identification information. This addendum is optional, not required.
20. Michigan Executive Order 2020-47 states: *Until June 30, 2020, driving with a vehicle registration, operator's license or chauffeur's license that expired on or after February 1, 2020 does not constitute a violation of the Michigan Vehicle Code.* The Department of State must not assess a late fee at renewal for a license or registration that expired between February 1, 2020 and May 31, 2020, so long as renewal occurs by June 30, 2020.
21. Bringing the practice of real estate back after May 1, 2020 (or any time so designated) will require a "Best Practices" set of guidelines for licensees (e.g., no open houses, limiting the number of people at showings, disinfect surfaces touched, use of masks and gloves). More guidance will be forthcoming by the National Association of Realtors and the Michigan Department of Licensing & Regulatory Affairs (LARA).
22. Only "essential workers" are allowed to travel to and from the broker's office. These designated persons are considered necessary to take care of minimum basic operations, which includes essential tasks such as payroll, employee benefits and accounts payable. A "Permitted Travel Letter" should be on their possession, signed by the broker, indicating their "essential" status to the company. The language in the letter is not intended to permit travel to showings, open houses or other work that is otherwise not permitted under the Executive Order 2020-21. Agents must not leave their homes to travel to the broker's office to act in the capacity of a licensee (i.e., sales, marketing, lead generation). This includes all agents, managers and staff. All other functions, such as answering phone calls, can be done remotely.

    DISCLAIMER: This information is provided from what is believed to be the best available public resources at the time of its writing. The Covid-19 crisis has caused numerous revisions to Executive Orders, CDC recommendations and health related regulations as the disease, its contagion, and treatment pattern evolve. When in doubt, a responsible REALTOR® should err on the side of caution using currently recommended social distancing and remote communication methods to avoid the possibility of contracting or spreading this highly transmittable, infectious, and potentially deadly disease.

April 16, 2020