

September 24, 2020

**RE: (COVID-19 [Novel Coronavirus])
Office of the Mayor, City and County of Honolulu
(1) Honolulu COVID-19 Recovery Framework (09-23-20)
(2) Mayor's Sixth Supplemental Proclamation (09-23-20)
(3) Guidance Memorandum (09-23-20)
(4) Mayor's Emergency Order No. 2020-27 (09-23-20)**

Aloha Members of the Honolulu Board of REALTORS®:

One month ago, we issued our informational release concerning Emergency Order 2020-25 under which Mayor Caldwell reinstated stricter rules across the board including the delivery of real estate services by our membership. In keeping with these new orders, HiCentral MLS Ltd. suspended all open houses on Matrix for two weeks. We encouraged Members to provide showings by appointment only or virtually (utilizing a variety of tools for virtual tours provided by HBR and HiCentral MLS Ltd.) and prequalify potential buyers as an effective means to help manage the number of visitors to properties in the market.

About two weeks later, Emergency Order No. 2020-26 emerged, basically following the same restrictions found in Emergency Order No. 2020-25. HiCentral MLS Ltd. continued to suspend open houses on Matrix, and HBR encouraged the same restrictions on property showings. Upon learning that a City spokesperson was taking a much stricter view of these recent orders in the case of real estate services and property showings even by appointments only, we were compelled to issue a letter directly to the City Corporation Counsel Designate seeking clarification of this matter for the benefit of our Members.

While we have not received a direct response from the Corporation Counsel Designate to our letter, the Mayor has just published the following new orders: (1) Honolulu COVID-19 Recovery Framework (09-23-20); (2) Mayor's Sixth Supplemental Proclamation (09-23-20); (3) Guidance Memorandum (09-23-20); and (4) Mayor's Emergency Order No. 2020-27 (09-23-20) (collectively the "September 23 Orders") refer to:

<http://www.honolulu.gov/mayor/proclamations-orders-and-rules.html>.

The September 23 Orders effectively reinstate the level of services and activities that were permitted by our Members in providing professional real estate services under the various orders predating Emergency Order No. 2020-25 and Emergency Order No. 2020-26.

As such, HiCentral MLS Ltd. will be lifting the suspension on showings effective immediately. Notwithstanding the cautious flexibilities that have been reinstated under the September 23 Orders, we would like to draw your attention to certain specific nuances that have been included in these recent orders.



1. **Honolulu COVID-19 Recovery Framework**. The City has developed a 4-Tier recovery framework for loosening or tightening, if necessary, restrictions on businesses and activities to keep the residents of Oahu healthy. Effective today, the City will operate under Tier 1 for at least four consecutive weeks. Within this Tier 1 designation, real estate services are “Allowed”, albeit limited to five (5) individuals indoors at a time. The term “Allowed” refers to the real estate services “sector standards” as may be approved by the City.

2. **Mayor’s Sixth Supplemental Proclamation**. This **Sixth Supplemental Proclamation** effectively extends the state of emergency or disaster period relating to COVID-19 pandemic through October 31, 2020.

3. **Guidance Memorandum**. Section 5 of the **Guidance Memorandum** treats real estate services as a Designated Business and Operation and provides a description of permitted real estate services that may be provided by our Membership at this time. We presume that that these guidance measures constitute the “sector standards” of “Allowed” activities as approved by the City pursuant to the **Honolulu COVID-19 Recovery Framework** mentioned above.

4. **Mayor’s Emergency Order No. 2020-27**. This latest emergency order continues to treat “real estate services” as an “Essential Business/Designated Business and Operation” under Section II.F.19, with the caveat that such real estate services are permitted “when necessary to assist in compliance with legally mandated activities.” The application of the phrase “legally mandated activities” has involved divergent views between City officials and the real estate services sector.

However, within the context of the September 23 Orders as promulgated by the City, we reason that the real estate services activities currently permitted under the **Guidance Memorandum** are:

- a. In alignment with “Allowed” real estate services activities as presented within **Tier 1, Honolulu COVID-19 Recovery Framework**; and
- b. In alignment with **Emergency Order No. 2020-27**, classifying “real estate services, when necessary to assist in compliance with legally mandated activities” as an Essential Business; and
- c. In further alignment with **Emergency Order No. 2020-27, Exhibit A**, which classifies “real estate services” as a “Designate Business and Operation” (Section 5), subject to conditions listed at <https://www.oneoahu.org/reopening/#realestate> that essentially parallel approved real estate activities as listed in the **Guidance Bulletin**.

Against this backdrop of an ever-evolving landscape of orders, rules and regulations impacting the professional delivery of real estate services by our Membership, HBR offers the following points of information, guidance, and encouragement:

1. **Health and Safety, Compliance**: The health and safety of our Members, their families and loved ones, clients and customers, and the general public continue to be paramount in all that we do. In this regard, continued good faith compliance with all regulatory restrictions and executive orders is essential. Members are also reminded that in addition to governmental regulatory restrictions, many properties are also subject to private regulatory systems managed by homeowner associations, condominium associations, and other forms of entities that are responsible for dealing with COVID-19.

2. **September 23 Orders:** In accordance with the September 23 Orders,
 - a. HiCentral MLS Ltd. will lift the suspension of open houses in Matrix effective immediately.
 - b. Open houses are permitted, but no more than five (5) individuals are allowed in the home at any given time.
 - c. Revisit the list of restrictions and permitted activities involving the delivery of real estate services as listed in Section 5, Guidance Bulletin.

3. **Principal Brokers (“PB”) or Brokers-In-Charge (BIC”):** Members should continue to confer with their PB and BIC on all current firm policies, procedures, practices, and forms concerning COVID-19 in the ongoing delivery of real estate services in compliance with such policies, procedures, practices, and forms.

4. **Clients and Customers:** Open communications with clients and customers concerning the potential impacts of COVID-19 in the delivery of real estate services is essential to facilitate the safety and well-being of clients and customers, Members, and the general public during the course of any transaction.

5. **Open Houses, Brokers Opens, and Site Visitations.** While HiCentral MLS Ltd. has lifted the suspension on open houses on Matrix, we are nevertheless in the Tier 1 stage under the **Honolulu COVID-19 Recovery Framework**, and HBR again encourages that Members continue to be prudent and cautious; consider showings by appointment only or virtually whenever possible, utilizing tools made available by HBR and HiCentral MLS Ltd.; prequalify potential buyers or tenants; comply with all social distancing requirements; and exemplify an industry sector that can prudently and successfully conduct business amidst these unprecedented times of the COVID-19 pandemic while doing all that we can to ensure the safety and health of our community, BECAUSE THAT’S WHO WE R!

Thank you for your time and careful attention to this matter. Please let me know if you have any questions and to ensure consistent industry information, we prefer that all inquiries be brought to HBR first for review before our members reach out directly to the City COVID Response Team. And as always, stay alert to additional notices as more information becomes available, social distance and wear your masks.

Sincerely,



Suzanne Young
CEO