

Transactions in Process

Serving Your Clients with Contracts in Progress

You should note that during the process of helping buyers and sellers reach the closing table, many of the duties can (and should) be transitioned to an electronic service, in order to protect the health and welfare of your agents and your clients, as well as the community at large.

We strongly recommend that only services that are essential to the transaction be performed in-person; and at all times to limit the number of in person activities to those who are vital to the matter.

The Closing Process Paperwork: In-Person Agent Assistance Typically Not Required

- **Lawyers:** Most real estate lawyers are remaining open as essential service providers, but in limited capacity. Lawyers and Realtors® frequently communicate during the closing process electronically and should continue to do so. We have heard that the law offices have established their own sanitary procedures for clients to sign documents, and are not allowing anyone, including Realtors®, to enter the premises – only direct signatories. Some are having seller's pre-sign documents as well. All are asking for the utmost accommodation and flexibility in these transactions.
- **Notary:** MAR is working on remote notary legislation. Currently, attorneys cannot sign for their clients without this (absent prior Power of Attorney).
- **Recording Title:** Lawyers are working remotely with the registries, which remain open to transfer title, but without in-person access.
- **Mortgage** lending is considered an essential service, so most banks and mortgage companies continue to operate and have been doing so electronically for some time. They are issuing prequalification's letters and processing transactions, all remotely with no in-person contact. Call any of our amazing affiliate lenders for assistance in timelines.
- **Fire Departments:** The Governor released an executive order allowing for the 90-day extension of the smoke/carbon permit requirements. We are updating our addendum to allow for the negotiation of escrow money to be held to satisfy all requirements. Please call to determine if your town is still performing inspections, please do not assume they are not. [The State of MA has issued preparation guidelines you can give to sellers to prepare for an inspection.](#)
- **Water Readings:** Many town halls are closed, so water meter readings may be an issue on pending transactions in communities where remote readings or drive-bys can't be

performed. Other towns can operate as usual, given they do not need property access to do so – call ahead.

- **Insurance** is also considered essential, so they are writing policies, sending quotes and binders, but not accepting walk-ins or in-person meetings.
- **Extension:** We have made available a Real Estate Bar Association of Massachusetts OPTIONAL addendum for COVID-19 available to all in PDF format, as an addendum to our original Berkshire County Standard Purchase and Sale Agreement. Now in Ziplogix

Closing Services That May Require In-Person Real Estate Agent Assistance:

There are professionals that have tasks to perform according to the Purchase and Sale Agreement, so your policy should ensure the agent is reaching out to best establish ways to assist, preferably to limit contact whenever possible.

- **Title V inspections** are occurring (may take longer than usual, due to the Health Department's work on the COVID-19 situation), but typically do not require a Realtor® or homeowner to be physically present on-site, but inside access may be needed. Policies should require that agents establish a plan to minimize exposure and risk to the professionals as well as the homeowner.
- **Appraisers** ask that the property is prepared for inspection before their arrival. They will have the appropriate safety material (gloves, sanitizer, etc). While you may need to open the door for the appraiser and secure the property after the appraisal, we encourage a policy to refrain from entering the property with the appraiser. Property preparation includes making sure all points of egress are open, interior doors, basements, attics, electrical boxes, etc.. If a person absolutely must be present, please alert the appraiser in advance for direction. Under no circumstances should anyone present be ill, and must keep 6 feet away in distance and engage in all of the CDC recommendations for safety precautions.
- **Inspectors** request the same preparation should be made to the property. Only the inspector, the principle buyer(s) and their agent should be present – if that is the agreement of the broker and buyer - and all should be directed to stay a safe distance away from each other, take safety precautions, not touch any surface (and if you do, wipe it down with sanitizer), etc. If there are a number of things the buyer would like repaired prior to closing, remind them of the limited professionals available during the state of emergency to complete repairs and negotiate accordingly.
- Realtors® play an essential role in confirming that certain contractual obligations are met, namely the **walk-through**. This typically takes place the morning of the closing or the day before once the seller has moved out of the property so there is often no in person impact. Agents should be directed to follow safety and distance policy and the brokerage may want to consider limiting walk-through only to the buyers, and no additional people (family, friends, etc..)