

Property Management and COVID-19: Essential Services and Entering Units

This is a brief summary of the rules and regulations affecting property management in California as of the Revised by date below. These rules and regulations are changing by the day, and sometimes by the hour and do not cover the many various local laws. Landlords, property managers, and tenants are all advised to seek specific advice of a real estate attorney familiar with the most up-to-date laws of the jurisdiction where the property is located.

Property Management as an Essential Service

Currently, under Federal guidelines that have been incorporated by the California Governor's order, residential real estate services are deemed essential services. This includes property management activities. Workers supporting essential maintenance, operation, inspection, and security are also listed as essential services. In addition, there is also a separate category under "commercial facilities" that lists workers distributing, servicing, repairing or installing residential and commercial HVAC systems, boilers, furnaces and other heating, cooling, refrigeration, and ventilation equipment.

Keep in mind that although property management is now an essential service under the Governor's statewide order, there may be more restrictive local city and county orders that are still in force. *The most restrictive order is the one you must follow.*

Accessing Tenant-Occupied Properties

As an essential service, property managers are legally permitted to perform their work even if it requires a face-to-face interaction. However, repairs should only be made when they are "essential." For example, maintenance and repair of plumbing, heating, electrical, safety, habitability and sanitation will necessarily be essential maintenance.

Remember, there may be more restrictive local laws. Certain localities require a mask to be worn during any face-to-face interactions as well as maintenance of social distancing rules. Others require the posting of social distance warning signs at the entrance of multi-unit dwellings. While most of the counties that previously excluded real estate as an essential service have amended their ordinances to align with Governor's order, there may still be some counties that adhere to a more restrictive standard and may prohibit in-person real estate activities all together.

C.A.R.'s Best Practices Guidelines recommend that you only enter the property if the tenant expressly consents to allow entry and after having advised the tenant of the dangers relating to having persons enter the property. Similarly, the best practice dictates that both the tenant and the person entering declare that they are not afflicted with a COVID 19 respiratory illness to the best of their belief in order to assure each other that risks of infection are being minimized. C.A.R. Coronavirus Property Entry Advisory and Declaration (Form PEAD-LR) may be used for this purpose.

Furthermore, the tenant should stand outside the dwelling while it is being shown, and no more than two persons (other than the property manager) should be in the property at the same time. The PEAD-LR form requires social distancing rules to be obeyed and advises all persons entering the property to wear masks and gloves.

For further information please see C.A.R.'s complete Guidelines for Real Estate Best Practices During COVID-19 (<https://www.carcovidupdates.org/best-practices-guidelines>).