



# Colorado Real Estate and COVID19 Contract and Risk Management Issues

*Virtual Risk Management Session  
Scott Peterson,  
CAR General Counsel*

# CAR Efforts to Assist REALTORS® During Crisis

- COVID PORTAL (CAR AND NAR RESOURCES)
- ESSENTIAL SERVICES DESIGNATION
- COVID FORM ADDENDUM
- REMOTE NOTARY & REMOTE CLOSINGS
- EXPANDED HOTLINE AVAILABILITY
- COVID LEGAL BITES

# COVID Contract Addendum

- CBA FORM
  - How to Use
  - When to Use
  - Implications
- OTHER FORMS?  
AMEND/EXTEND?
- CLAUSES? KEEP IT SIMPLE!
- DATES/DEADLINES  
(PUSH OUT?)
- EARNEST MONEY?

# “Shelter in Place”

- What are they? What do they mean?
- Increasing rapidly
- Vary by city/county/state (fed?!)
- Impact on REALTORS®?
- Impact on Buyers/Sellers?
- Tension within/outside of industry
- Exceptions? USE CAUTIOUSLY AND RESPECTFULLY!!



# Showings/Open Houses/Inspections/Other

- **IMPACTED BY “SHELTER IN PLACE” ORDERS?**
- **OPEN HOUSES... IS NOW THE RIGHT TIME?**
  - NO!
  - Liability?
  - Responsibility?



# Showings/Open Houses/Inspections/Other

- **SHOWINGS... ARE THEY NECESSARY?**

- Qualify (financial/COVID exposure/illness – fair housing?)
- Meet clients at property
- Limit physical and property contact
- Remove shoes
- Carry wipes/sanitizers





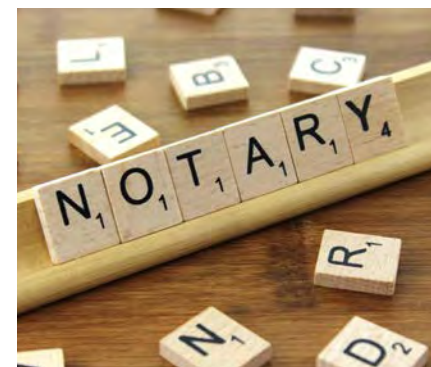
# Showings/Open Houses/Inspections/Other

- **INSPECTIONS/OTHER?**
  - Tension between vendors/buyers/sellers regarding access
  - BROKER!! (Amend/extend)
- **WAIVERS/HOLD HARMLESS DOCUMENTS?**



# Remote Closings & Remote Notary

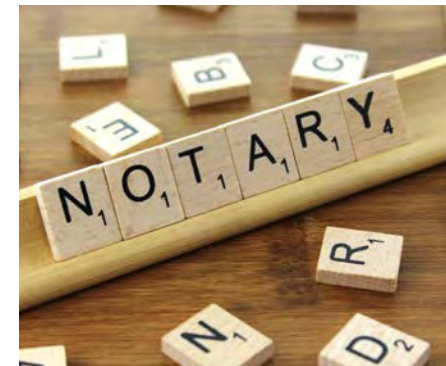
- Federal and State legislation on remote notary
- “Mail out” closings
  - In-person, private notary





# Remote Closings & Remote Notary

- Government offices (clerk & recorder) closing?
  - Close in escrow?
  - Extended coverage?
  - Gap coverage?



# Deal Termination/Good Faith & Earnest Money

- “NEW LOAN REVIEW” – PARAGRAPH 5.2
- SELLERS REFUSING TO RELEASE E.M. – 3 DAYS? (4.3.2)
- “GOOD FAITH” – PARAGRAPH 29
- JOB LOSS/INSECURITY, FINANCIAL MARKETS, ABILITY TO PAY
- INSPECTION VS. APPRAISAL VS. LOAN VS. OTHER!

# Other Random Thoughts

- ▶ Landlords
  - ▶ Payment plans, late fees, evictions, limit property access
- ▶ Foreclosures
  - ▶ Mortgage forbearance (owner occupants/investors)
- ▶ Tons of resources!
- ▶ Tiger King – “only show crazier than the world right now...”

# CHINS UP!



# MORE QUESTIONS?



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CAR LEGAL HOTLINE

SUBSCRIBE TO LEGAL BITES