

1. Happy Election Day, Michigan!

Today is election day! Be sure to exercise your right to vote. Same-day registration is available in person at your local clerk's office until 8:00 p.m. To find your local polling location, clerk's office, or nearest drop box, please visit Michigan Secretary of State Voter Information Center at <https://mVIC.sos.state.mi.us/Voter/Index>.

You can still register to vote in-person today. For same day registration you must bring one of the following to your local clerk's office:

- A Michigan's driver's license or state ID
- Current utility bill
- A bank statement
- A recent paycheck
- A government paycheck
- Another government issues document

For any further information about how/where you can vote, please visit <https://mVIC.sos.state.mi.us/RegisterVoter>.

For a complete list of Michigan Realtors® RPAC Endorsements, please visit <https://www.mirealtors.com/Advocacy-Initiatives/Elections>.

Happy Voting!

2. New Gathering and Mask Guidance from the Department of Health and Human Services

On October 29, 2020, the Michigan Department of Health and Human Services issued a new order regulating "gatherings" which it defines as "any occurrence where two or more persons from more than one household are present in a shared space." If there is a "gathering," the order applies wherever the gathering occurs (i.e., whether in a public space or at a private residence). A summary of the general limitations under that order is as follows:

Masks are required unless the gathering is occurring at someone's residence, where masks are recommended. In all cases, event organizers are required to ensure 6 feet of distance between persons who are not members of the same household. A "mask" must be a tightly-woven cloth or other multi-layer absorbent material that closely covers a person's face and mouth. The order lists exemptions from mask requirements and says businesses must deny entry or service to any nonexempt person who is not wearing a mask (but may rely on verbal representation that the person is exempt from the mask wearing requirement).

A. If a gathering is indoors:

1. For residential gatherings, up to 10 people are permitted. Masks are recommended, not required, if the event occurs at a residence; otherwise, required.
2. For non-residential venues with "fixed seating," the limit is 20% of the seating capacity (no more than 500 people).
3. For non-residential venues without "fixed seating," the limit is 20 persons per 1,000 square feet (no more than 50 people).
4. Gatherings of more than 500 people indoors are prohibited regardless of the size of the facility.
5. In nonresidential venues, if people are seated at tables, the number of people at a table must not exceed 6 and tables must be six feet apart.

B. If a gathering is outdoors:

1. Up to 100 people are permitted at a residence. Masks are recommended if the event is at a residence; otherwise required.
2. At a non-residential venue with fixed seating, the limit is 30% of capacity (no more than 1,000 people).
3. At a non-residential venue without fixed seating, there is a limit of 30 persons per 1,000 square feet (no more than 1,000 people).
4. Gatherings of more than 1,000 people are prohibited.
5. If people are seated at tables, the number of people at a table must not exceed 6 and tables must be six feet apart.

Since the occupancy limitations outlined above apply to residences as well as public spaces, it would appear that the DHHS order DOES apply to showings and open houses. Keep in mind that under the new order, it is the responsibility of the event organizer to enforce the 6-foot social distancing requirement. In addition, we continue to encourage Realtors® throughout the State to follow the best practices as outlined in MR's showing addendums:

Recommended Practices for Sellers Permitting Showings and/or Open Houses

- If at all possible, Sellers should not be present during showings or open houses.
- Prior to any scheduled showing or open house, Sellers should turn on all lights and leave interior doors, drapes and blinds open. This will ensure that anyone entering the home will not need to touch light switches/doorknobs.
- Prior to and after any showing or open house, Sellers should clean and disinfect all frequently touched surfaces, such as doorknobs, handles, light switches and countertops.

Recommended Practices for Buyers During Showings

- Buyers attending showings/visits should meet their agents at the property and wait in their car for the agent to arrive.
- Buyers should not bring anyone to the showing who does not need to view the property. All adults attending the showing should sign a Showing Certification and Release.
- Buyers should not touch any surfaces in the property. Buyers should not turn off lights or close interior doors. They should not share phones, pens, tablets etc. with anyone else attending the showing.
- Buyers are encouraged to wear gloves and masks while viewing a home. Buyers should use hand sanitizer immediately prior to entering the home and upon exiting prior to getting into their car.
- Buyers should minimize the time physically present at a home.

Many local health departments have issued their own rules, and Realtors® are strongly encouraged to check in their area.

3. Legal Hotline Questions of The Week

With the help of McClelland & Anderson, we are taking the most recently asked questions from our Legal Hotline and putting them in E-News.

QUESTION: My seller tried to terminate my listing agreement two months before it expired. After I said "no," the seller will no longer answer my calls/texts or permit any showings. Isn't my seller required to honor the listing agreement and continue to work with me?

ANSWER: No. The law says that a person must either honor their contract or be potentially liable for breach of contract damages. But you cannot force a seller to continue to work with you. The law on damages in the event of the seller's wrongful termination of a listing agreement is complicated, so you should consult with an attorney.

QUESTION: My seller who terminated my listing agreement before it expired is now demanding a release. I have been told that I cannot force a seller to continue to work with me. Am I required to provide a release?

ANSWER: No. A seller who terminates a listing agreement early may be liable for breach of contract damages. You are not required to sign a release giving up your right to those damages.

For more legal resources, visit law.mirealtors.com.

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*Message & data rates may apply.

Michigan Realtors®
www.mirealtors.com
720 N. Washington Ave
Lansing, MI 48906
USA
800-454-7842