

## Empire State Development Provides Guidance on Essential Real Estate Activities

April 02, 2020

### Client Advisory

April 2, 2020 by Rocco M. Sainato and Michael H. Bauscher

*On April 2, 2020, after this advisory was published, ESD clarified its guidance on essential real estate activities. Although residential and commercial showings are still considered essential, they must be conducted virtually.*

On April 1, 2020, Empire State Development ("ESD") issued [guidance](#) to the New York State Association of Realtors clarifying the types of essential real estate functions that may continue under New York State's Executive Order 202.6, as modified by Executive Order 202.13.

Pursuant to ESD's guidance, and effective immediately, essential real estate functions that may continue during the COVID-19 emergency include the following activities:

- Residential and commercial showings;
- Residential appraisal services;
- Home inspections; and
- Back office real estate work.

Those involved in essential real estate functions are still required to comply with all Department of Health directives, and social distancing must be observed. Also, it is important to note that residential and commercial open houses are not permitted, and virtual showings and telecommuting are strongly encouraged.

The applicable rules and regulations during the COVID-19 emergency continue changing on a daily and sometimes hourly basis. The Carter Ledyard COVID-19 Response Group is monitoring developments in this area and will continue providing updates as the situation evolves.

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Carter Ledyard has created a COVID-19 Response Group to monitor the evolving legal landscape, address client questions and ensure client compliance with the laws and regulations issued in response to the COVID-19 pandemic. The Carter Ledyard COVID-19 Response Group consists of **Jeffery S. Boxer** (212-238-8626, [boxer@clm.com](mailto:boxer@clm.com)), **Judith A. Lockhart** (212-238-8603, [lockhart@clm.com](mailto:lockhart@clm.com)), **Bryan J. Hall** (212-238-8894, [hall@clm.com](mailto:hall@clm.com)), **Alexander G. Malyshev** (212-238-8618, [malyshev@clm.com](mailto:malyshev@clm.com)), **Melissa J. Erwin** (212-238-8622, [erwin@clm.com](mailto:erwin@clm.com)), and **Leonardo Trivigno** (212-238-8724, [trivigno@clm.com](mailto:trivigno@clm.com)). Clients should contact the attorneys listed above or their regular CLM attorney for any questions concerning legal obligations arising from the COVID-19 pandemic.

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