



Local REALTOR® Associations and MLS's are deemed Essential Business under Emergency Order #12 Safer at Home

Under Gov. Evers' Emergency Order #12 Safer at Home Order (Order), local REALTOR® associations and MLSs support an Essential Business and thus are deemed an Essential Business under the Order.

Essential Businesses are permitted to continue to operate under the Order. Real estate brokerage services and most services related to real estate transactions are currently allowed to continue during the duration of the Order. The Order defines "Essential Business" to include the following services related to the real estate industry:

- Real estate services
- Accounting
- Appraisers
- Building trades (carpentry, electrical, HVAC, plumbing, moving and relocation services, etc.)
- Construction (essential business and housing)
- Home inspection
- Insurance companies
- Legal
- Lenders (banks and credit unions)
- Property management
- Title companies

Therefore, since real estate services are considered an Essential Business under the Order, all businesses that provide support necessary for Essential Businesses to operate are considered Essential Businesses.

Local REALTOR® associations and MLSs provide support necessary for real estate companies, home builders, home inspectors and appraisers to operate, including services defined as Essential Infrastructure under the Order such as business infrastructure, communications, and web-based services. Therefore, local REALTOR® associations and MLSs are considered Essential Businesses and are permitted to operate under the Order.

It is important to keep in mind that under the Order, all Essential Businesses must adhere to the safety protocols established by the CDC and DHS including, but not limited to, the use of technology to avoid meeting in person to the greatest extent possible and maintaining social distancing requirements. In observation of these safety protocols, Essential Businesses may choose to close physical offices and have staff work remotely.

Below are the relevant sections from Emergency Order #12, that shape the above interpretation.

Per Emergency Order #12 Safer at Home Order

13. Essential Businesses and Operations. All entities described in this section shall meet Social Distancing Requirements between all individuals on the premises to the extent possible. Essential Businesses and Operations shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home). For the purposes of this Order, Essential Businesses and Operations means Healthcare and Public Health Operations, Human Services Operations, Essential Infrastructure, and Essential Governmental Functions, and the following:

n. Critical trades. Building and Construction Tradesmen and Tradeswomen, and other trades including but not limited to plumbers, electricians, carpenters, laborers, sheet metal, iron workers, masonry, pipe trades, fabricators, finishers, exterminators, pesticide application, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, forestry and arborists, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Governmental Functions, and Essential Businesses and Operations.

r. Supplies for Essential Businesses and Operations and Essential Governmental Functions. Businesses that sell, manufacture, or supply other Essential Businesses and Operations and Essential Governmental Functions with the support or supplies necessary to operate, including computers; audio and video electronics; household appliances; IT and telecommunication equipment; hardware; paint; flat glass; electrical, plumbing, and heating materials; construction materials and equipment; sanitary equipment; personal hygiene products; food, food additives, ingredients, and components; medical and orthopedic equipment; firearm and ammunition suppliers and retailers for purposes of safety and security; optics and photography equipment; diagnostic; food and beverages; chemicals; paper and paper products; soaps and detergents.

u. Professional services. Professional services, such as legal or accounting services, insurance services, real estate services (including appraisal, home inspection, and title services). These services shall, to the greatest extent possible, use technology to avoid meeting in person, including virtual meetings, teleconference, and remote work (i.e., work from home).

10. Essential Infrastructure. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to offer, provide, operate, maintain, and repair Essential Infrastructure.

Essential Infrastructure includes, but is not limited to: food production, distribution, fulfillment centers, storage facilities, marinas, and sales; construction (including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care and assisted living facilities, public works construction, school construction, Essential Business and Operations construction, construction necessary for Essential Governmental Functions, and housing construction, except that optional or aesthetic construction should be avoided); building management and maintenance; airport operations; operation and maintenance of utilities, including water, sewer, gas, and electric (including power generation, distribution, production of raw materials, and Wisconsin Department of Natural Resources-certified and registered drinking water and wastewater testing laboratories); Wisconsin Home Energy Assistance, Low Income Home Energy Assistance Program, and Public Benefits Energy Assistance Program offices, customer service centers, and public intake centers; distribution centers; oil and biofuel refining; roads, highways, railroads, and public transportation; ports; cybersecurity operations; flood control; solid waste and recycling collection and removal; and internet, video, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, **business infrastructure, communications, and web-based services**).

Essential Infrastructure shall be construed broadly to avoid any impacts to essential infrastructure, broadly defined.

Emphasis added.