

## **Guidance on the Governor's Mask Mandate**

On July 15, 2020, Governor Bullock issued a Directive implementing a state-wide face covering requirement (“the Mask Mandate”). MAR members should be aware of the mandate and understand when masks must be worn, and by whom. This white paper aims to address the specifics of the Governor’s Mask Mandate as applied to MAR members and their real estate business.

### **Mask Mandate Details**

The Mask Mandate applies to all businesses, including real estate related services, responsible for indoor spaces open to the public in counties with more than four active COVID-19 cases. Please visit [covid19.mt.gov](https://covid19.mt.gov) for county-by-county information. Indoor spaces include privately or publically owned buildings where the public is invited, or has a right to enter. Private residences not open to the public are excluded, however listings do not fall under this category if they are being shown, or if an open house is taking place.

Real estate offices, homes where an open house is taking place, in-person closings, and individual home showings all fall under the Mask Mandate. Agents, clients, and any other people present must all wear face coverings, unless they fall under an exclusion. The following are excluded from the face covering requirement under the Mask Mandate:

- Children under the age of five;
- Persons seeking to communicate with a hearing impaired person;
- Persons eating or drinking;
- Persons temporarily removing their face coverings for personal identification purposes;
- Persons with underlying medical conditions precluding the safe wearing of a face covering.

Real estate offices are required to provide face coverings to clients and employees. All points of entry for an office or open house must have visible signage posted stating “*Mask or face covering use required for ages five and older.*” A Realtor showing a listing, holding an open house, or attending a closing must require face coverings and should bring extras in case clients or persons visiting an open house do not have one.

### **Mask Mandate Enforcement**

The Mask Mandate is only enforceable against businesses and/or people responsible for indoor spaces open to the public. This means MAR members could be fined if they are not requiring masks on their premises, or during a showing, open house, or closing.

Businesses and people responsible for indoor spaces open to the public may refuse service, or ask a person to leave if they are not wearing a mask, unless they are excluded from the mandate for one of the reasons listed above. Businesses and people responsible for indoor spaces open to the public are allowed to rely on employees, customers, or members of the public who represent they are excluded from the Mask Mandate. If a person becomes combative, or refuses to leave after being asked to wear a mask, contact the local police department.

**DISCLAIMER:** The information contained in the documents is general information provided to member of the Montana Association of Realtors®. It does not constitute legal advice. MAR members and/or their clients should retain independent legal advice with respect to any particular issue or problem and should not rely solely on the information provided in this document.