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Questions Regarding “Critical Business” Status:

Since Governor Polis issued the amended Public Health Order describing “critical businesses” exempted from his “Stay at Home” Executive Order, we have received numerous questions regarding two primary areas:

1. Does the exemption apply to home inspectors, real estate photographers, contractors, etc.?

According to the Order (Section III.C.), a “Critical Business” is: “Any business, including any for-profit or non-profit, regardless of its corporate structure, engaged in any of the commercial, manufacturing, or service activities listed below, may continue to operate as normal.” The order goes on to describe, “Professional services, such as legal, title companies, or accounting services, real estate appraisals and transactions...” (Section III.C.7)

While “service activities” related to “real estate transactions” could certainly be interpreted to include some or all of the categories described above (home inspectors, photographers, contractors, etc.), CAR is not capable of providing a legal opinion to these industry professionals regarding their potential exemptions from the Executive Order. If one of these service providers is not comfortable analyzing the applicability of the Order to their respective business or profession, they will need to contact their own attorney for appropriate legal advice regarding the language of the Order.

2. Can we get a letter or card indicating that, as real estate brokers, we are exempt from the Order?

CAR does not intend to issue a “card” or “letter” to support REALTORS® categorization as a “critical business” under the Order. To the extent individual brokerage firms wish to create something for their brokers to proffer in the event they are stopped by law enforcement, that is exclusively within the purview of a brokerage firm. In place of a card or letter, a broker may be advised to carry a copy of the amended Public Health Order and refer any law enforcement officer who may inquire as to the movement of the broker to the applicable language referenced above (Section III.C.7).

Please [click here](#) to read the amended Public Health Order.