

Using the C.A.R. PEAD-V Form

What is the purpose of the PEAD-V form?

The PEAD-V form demonstrates compliance with the California Department of Public Health/CalOSHA Covid-19 Industry Guidance for Real Estate Transactions (<https://files.covid19.ca.gov/pdf/guidance-real-estate.pdf>). The Guidance requires: (i) real estate licensees to confirm the showing rules for the property with visitors; (ii) visitors be provided a copy of the broker's "Prevention Plan" applicable to the property; and (iii) real estate licensees obtain the visitors' agreement to follow that plan before entering the property. In many cases, certainly if C.A.R. Form RLA-CAA is used, the PEAD-V form demonstrates compliance with the contractual direction of the seller.

When should the PEAD-V form be provided to and signed by a visitor?

Consistent with both the Guidelines and C.A.R. Form RLA-CAA, the PEAD-V form must be provided to and signed by a visitor prior to entry. The form should be provided electronically. Since the form contains affirmative representations (see next question) by the visitor, **best practice would be to have the form signed on the day the visitor enters the property. If that is not possible or pragmatic, it is recommended that the form be signed no earlier than 24-hours in advance of entry.** A listing broker, consistent with best practices, and the wishes of the seller, could refuse entry to anyone who has signed the PEAD-V form outside of this time period. **Furthermore, a new PEAD-V form should be signed prior to any subsequent entry on the property.**

What type of acknowledgments and representations does a visitor make when signing a PEAD-V?

The visitor acknowledges receipt of the broker's Prevention Plan (C.A.R. Form BPPP), which is automatically attached to the PEAD-V, and to abide by the posted rules of entry (C.A.R. Form PRE). Included within those documents are the requirements to wear protective face coverings, keep socially distant, and avoid touching anything in the property.

The visitor also represents (i) not being afflicted with COVID-19, or in contact with someone else so afflicted, within the last 14 days; (ii) not experiencing any COVID-19 symptoms; and (iii) that the **visitor will inform the broker if, after the date the PEAD-V is signed, there is a change in the visitor's health conditions** or knowledge that potentially puts others at risk **OR invalidates the representations** in the PEAD-V.

Signing the PEAD-V on the date of entry, or no more than 24-hours in advance of entry, minimizes both the chances of a new disclosure having to be made prior to entry and the potential spread of COVID-19.

Why is the PEAD-V so important?

COVID-19 has proven to be highly contagious and outbreaks have occurred in many workplaces and other locations around the State and country. Because real estate activity has been deemed an essential service, real estate licensees are permitted to carry out their professional activities, such as by showing properties, a privilege not afforded to all other businesses. The power to remain in business carries with it the responsibility to conduct real estate activity in a manner that is conscientious and respects the concerns of the community, that is consistent with the letter and spirit of legal mandates, and that is in fulfillment of the ethical obligations REALTORS® have to clients, customers, the public, and each other.