

FREQUENTLY-ASKED QUESTIONS & ANSWERS FOR ESTATE AGENTS (EAs) AND REAL ESTATE SALESPERSONS (RESs) ON SUSPENSION OF ACTIVITIES AT WORKPLACE PREMISES TO FURTHER REDUCE COVID-19 TRANSMISSION

Corporate activities

1. Can RESs just drop off documents or cheques at their EA offices?

No.

Regulation 4(2) of the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 requires every individual to stay at or in, and not leave, his or her ordinary place of residence. The individual may leave his ordinary place of residence only to directly perform certain prescribed purposes with all reasonable speed.

As estate agency work is not categorised as an essential service, RESs are to postpone all on-site, physical property transaction activities and tasks like dropping off documents or cheques until after 1 June 2020 or such time that the measures have been removed. You are advised that any assistance rendered to your clients should be done online or remotely.

2. Can a limited number of key support staff work in the EA office for key business functions which cannot be done remotely (e.g. processing of commission payments)?

All non-essential businesses are required to suspend all in-person activities and activities at your business location. Your staff are to perform business functions from home.

However, for selected key functions that need to continue but cannot be performed via telecommuting due to sensitivity (e.g. commission processing to pay RESs), you can apply to the Ministry of Trade & Industry (MTI) for a time-limited exemption at <https://covid.gobusiness.gov.sg>. If approved, your staff must comply with the safe distancing measures during the limited time in the office. Your RESs should not leave home to interact with the EA staff at the office.

3. If MTI grants my EA a time-limited exemption, can CEA also issue me a consent letter to carry out estate agency work?

Applications for time-limited exemption from the suspension of non-essential activities are to be approved by MTI. Such approvals are granted on a highly restrictive basis as the Government's intention is to minimise the spread of the

COVID-19 virus. CEA does not issue any consent letter for EAs and RESs to conduct estate agency work during this period.

Estate agency work

4. Can I conduct on-site property viewings if the seller and tenants are willing to do so?

The aim of the elevated set of measures is to reduce much more significantly movements and interactions in public and private places. Hence, you should not conduct on-site viewings, and should advise your clients to defer on-site viewings in order to minimise further spread of COVID-19.

5. For clients who are in need of buying, selling, or renting a home, can I proceed to arrange for viewings if the other party permits?

The aim of the elevated set of measures is to reduce much more significantly movements and interactions in public and private places. All physical, in-person viewings should be deferred until after 1 June 2020 or such time that the measures have been removed. EAs and RESs are encouraged to arrange for viewings virtually.

6. Can clients attend viewings by themselves?

With the extended circuit breaker period, all of us should continue to reduce movements and physical interactions in public and private places. You should advise your client to defer all physical and in-person viewings until after 1 June 2020 or such time that the measures have been removed. If your client's situation is urgent (e.g. your client will be homeless and needs a place to stay during this Circuit Breaker period), you should advise your client to do the viewings virtually.

7. How should I advise clients who wish to have viewings when the property is still occupied?

With the extended circuit breaker period, all of us should continue to reduce movements and physical interactions in public and private places. You are to advise your clients to defer such on-site viewings, regardless of whether or not the property is occupied, until after 1 June 2020 or such time that the measures have been removed.

8. What should I do if my client is not in Singapore?

You can assist your client with his transaction through online or remote means only. If your client would like you to go on-site to deal with viewing, handover or takeover matters, you are to advise your client that you are unable to do so as you must not engage in on-site, physical property transaction activities. You are encouraged to inform your client to defer such activities until after 1 June 2020 or such time that the measures have been removed.

- 9. For clients who are in urgent need of renting a home, can I proceed to arrange for the signing of the tenancy agreement if the other party permits?**

For rental transactions, RESs should facilitate electronic signing of documents where possible, and may facilitate online meetings. If your client has to sign the tenancy agreement with another party that requires a wet ink signature to complete the transaction, it is up to the two transacting parties to do so. RESs should neither meet their clients nor accompany their clients for this activity. You may wish to request your clients to update you through phone or text message.

- 10. Can I use video-conferencing platforms to facilitate virtual meetings with my clients? What should I take note of when I use such platforms?**

Yes. You are reminded to safeguard confidential information of or relating to the client that is obtained in the course of acting for the client. You should remain vigilant against cyber threats and exercise strong cyber security practices when using any solution, such as video-conferencing platforms, to facilitate business communications.

- 11. If I am able to conduct online meetings and electronically sign the necessary documents, can I date the document within this timeframe (i.e. during the “circuit breaker” period from 7 April 2020 to 1 June 2020)?**

Yes. Property transaction documents signed electronically should still be dated accurately as per Paragraph 5.1.4 of the Professional Service Manual.

[Please note that the Housing & Development Board (HDB) will not be registering new resale applications nor schedule new completion appointment during this period.]

- 12. Are electronic signatures a valid means of executing a property transaction document (e.g. tenancy agreement, sale and purchase agreement, option to purchase)?**

Yes, except for forms that are prescribed by HDB.

During this “circuit breaker” period, RESs could facilitate electronic signing of property transaction documents where the parties are willing to do so.

The exclusions under the Electronic Transactions Act (ETA) do not necessarily prevent property transaction documents from being executed in a fully electronic environment. It is possible for electronic records or signatures to give rise to legally binding relations.

Contracting parties may wish to take note that the Consultation Paper on the review of the ETA by the Infocomm Media Development Authority (IMDA) dated 27 June 2019 proposed that only secure electronic signatures be accepted for property transactions. A secure electronic signature platform is not typically used by the general public and for property transactions.

Hence, if contracting parties decide to use ordinary electronic signatures instead of secure electronic signatures, they must take care and understand that there are risks in using the former for property transactions which generally are of high value. Some of these risks include establishing the authenticity of an ordinary electronic signature, tampering of electronic records, identity theft, etc. This is a commercial decision for the parties to make.

Your clients should seek independent legal advice before executing any property transaction document using ordinary electronic signatures.

13. Would HDB allow the exercise of option to be done remotely or electronically?

No. Forms prescribed by HDB, such as its Option to Purchase form, require “wet ink” signatures.

14. Can I assist my clients with the handover and takeover of properties for rental transactions?

Can I complete sale and purchase transactions where the Option to Purchase or Sale and Purchase agreement were signed before 7 Apr 2020?

You are to advise your clients that physical, in-person handovers or takeovers should be deferred until after 1 June 2020 or such time that the measures have been removed, where possible.

Regulations 4(3)(k) and 4(3)(m) of the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 permit an individual to do anything reasonably connected with and for the purposes of moving from the individual’s ordinary place of residence to stay in another accommodation in substitution of the firstmentioned place of residence as the individual’s ordinary place of residence.

If the handover or takeover of a property meets the requirements of Regulations 4(3)(k) and 4(3)(m) and cannot be deferred, RESs should not meet or accompany their clients for this activity. You may wish to request your client to update you through phone or text message.

You can also assist to facilitate negotiations between both parties online or remotely.

15. My landlord has given me authorisation in writing to carry out the handover or takeover on his behalf. Can I do so?

No. You are to postpone all on-site, physical estate agency work until after 1 June 2020 or such time that the measures have been removed.

16. Can my tenant proceed to move in during this period?

Regulations 4(3)(k) and 4(3)(m) of the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 permit an individual to do anything reasonably connected with and for the purposes of moving from the individual's ordinary place of residence to stay in another accommodation in substitution of the firstmentioned place of residence as the individual's ordinary place of residence.

Therefore, a tenant can move into a property during this period. Please note that third party logistics providers and residential/commercial movers are included in the list of essential services.

You are reminded not to meet or accompany your clients for the handover or takeover.

17. Can my client engage service providers such as pest control, plumbing and electrical works?

Yes. Vector control services (e.g. pest control and fumigation) and provision of facilities management services for buildings and infrastructure (e.g. plumbing, electrical works, conservancy services) are included in the list of essential services, available at <https://covid.gobusiness.gov.sg/essentialservices/>.

18. How should I advise my clients whose agreements are affected by the control measures and would like an extension of stay or lease?

You could assist, online or remotely, to facilitate negotiations between both parties to reach a mutually beneficial agreement in the situations below:

The affected seller, who cannot move out yet, could negotiate with the buyer for a temporary extension of stay for the seller in the sold property or find another property to rent temporarily for a short period.

The affected seller of an HDB flat, where the buyer is agreeable to let the seller extend his stay, could write to the HDB to apply for a further extension of stay. The affected seller of a private property could negotiate with the buyer for a delay in the resale completion date of the property and/or an extension of stay.

Some tenants could be affected if they are currently renting properties (be it HDB or private) and are due to shift out to their new rented homes which have been affected by the stoppage of renovation works. They could negotiate the extension of their old lease and a deferment to the start of their new leases.

19. Can my clients go sign papers and make payment for the completion of properties at lawyers' offices?

You should check with the conveyancing lawyer on whether your client is required to sign the documents for completion of the property transaction at the lawyer's office. If the client is required to be at the lawyer's office to sign the

documents, you should not accompany your client. You may wish to request your client to update you through phone or text message.

20. Can I or my client make use of courier services to deliver documents?

Yes. Third party logistics providers and postal services are included in the list of essential services.

However, you are encouraged to send such documents electronically.

21. Can I still help my clients lodge documents and titles with the Land Titles Registry?

Due to the COVID-19 situation, the Singapore Land Authority (SLA) will temporarily close its counters, including both lodgement and collection counters for the Land Titles Registry. The submission of hard copy documents, manual lodgements as well as the collection of documents and titles will be suspended for the time being. Electronic lodgement of instruments will continue to be available during selected hours. For more details, please visit SLA's website at www.sla.gov.sg.

22. Will HDB still go ahead with the completion and key collections? Can I still attend the completion appointment with my clients?

If flat sellers and buyers have an existing appointment with HDB to complete the transaction of their resale flat, the appointment will proceed as scheduled. However, in view of the tighter measures to minimise further spread of COVID-19, HDB will limit entry into the HDB Atrium to only the flat seller(s) and buyer(s) as they are the parties who need to sign the documents.

For resale applications on hand and yet to be registered (i.e. yet to have a completion appointment), HDB will not register the applications and schedule completion appointments.

Resale flat buyers and sellers can continue to submit new applications online via the HDB Resale Portal. However, HDB will not register the applications and schedule completion appointments.

For queries, please visit HDB InfoWEB at www.hdb.gov.sg or email HDB at hdbresale@mailbox.hdb.gov.sg.

23. Can development launches still go ahead, e.g. by appointment only?

The Urban Redevelopment Authority (URA) has issued an advisory to all developers with a sale licence to close their show galleries until 1 June 2020 (inclusive). Developers are strictly not allowed to conduct any viewings and marketing activities in their show galleries during this period.

Developers can still host their launches on web portals and conduct marketing and sales using digital means. For queries on the advisory for licensed developers, please email URA at ura_coh_registry@ura.gov.sg.

You should clarify in your advertisements that the viewings can only be done online and not at the show galleries.

24. Can I meet my clients to sign legal documents?

Regulation 4(2) of the COVID-19 (Temporary Measures) (Control Order) Regulations 2020 requires every individual to stay at or in, and not leave, his or her ordinary place of residence. The individual may only leave his or her ordinary place of residence only to directly perform certain prescribed purposes with all reasonable speed.

You are to advise your clients to electronically sign legal documents during this period and to defer signing legal documents that need to be physically signed during this period in order to minimise further spread of COVID-19.

If there are circumstances where this is not possible (e.g. where time is of the essence or with milestones deadlines to be met when the circuit breaker measures are in place), your client should attend the meeting with the lawyer on his own. RESs should not meet or accompany their clients.

25. Am I entitled to collect a commission or fee when I assist my clients online or remotely?

Depending on the agreement that you have signed with your client, commissions are usually payable when both parties enter into a binding agreement for the sale and purchase, or lease of the property. You are encouraged to use CEA's prescribed estate agency agreement to formalise the scope of services that you provide and the commission payable.

26. I am a RES. If I have further questions related to the suspension of non-essential activities, who should I contact?

You are advised to consult with your Key Executive Officer (KEO) first if you are unsure of the measures that are implemented, and the dos and don'ts during this period. CEA will continue to issue Notices whenever necessary to help guide EAs and RESs.

Other non-estate agency services

27. Can I attend to contractors accessing the properties at the request of the clients?

Any work that are non-essential and non-urgent in nature should be deferred until after 1 June 2020 or such time that the measures have been removed. If there is urgent work (e.g. life-threatening danger or severe damage to property), you should not attend to the matter but leave it to the person who is residing at the property to handle the contractors for such urgent work.

28. Can valuers still carry out the valuation work for the banks and clients?

You will have to refer to valuers if such work can be carried out at the property in view of the elevated set of measures.

HDB has advised that its appointed valuers would be asking flat sellers (or their RESs) for the photographs of the resale flat for valuation, if possible, instead of visiting the flats.
