

March 31, 2020

Governor Brian Kemp
2 Capitol Square, SW
Atlanta, GA 30334

Re: COVID-19 mitigation:
Proposed Executive Order Ensuring the Continuation of Commerce by Temporarily Allowing Remote Online Notarization (“Proposed Temporary Order”)

Dear Governor Kemp,

As the Georgia Capitol Real Estate Trade Group, we respectfully request that you sign the Proposed Temporary Order addressing the closing of real estate sales and financing. Real estate is an essential driver of the Georgia economy.

As reflected by the State of Emergency, as well as the directives from Federal, State and Local health agencies, there is a mandate of “social distancing” to prevent the further spread of this deadly virus. Currently, documents for closing must be witnessed and notarized in the physical presence of a witness and notary public. The Supreme Court has already issued an order that permits audio-video presence of an attorney at closing to substitute for physical presence. However, documents at closing must be witnessed and notarized and, without the substitution of audio-video presence for the physical presence of witnesses and notaries, the closing cannot be accomplished without physical interaction. By requiring the physical attendance and witnessing of documents at closing, we are requiring participants (buyers, sellers, notaries, etc.) to choose between exposure to the virus and the ability to close on the sale, purchase or financing of homes. There is no doubt that this conflict will result in a substantial interference with the real estate closing market, profoundly impacting the public in addition to a substantial portion of those whose physical presence is required at the closing ceremony. We believe the Proposed Temporary Order will immediately allow closings to continue without the health threat associated with a traditional closing ceremony. As a result, we respectfully request that you sign the Proposed Temporary Order.

Sincerely,

Home Builders Association of Georgia
Georgia Ready Mix Concrete Association
Community Bankers Association of Georgia
Georgia Manufactured Housing Association
Georgia Bankers Association
Council for Quality Growth
McGuire Woods Consulting
Georgia Association of REALTORS

Building Owners & Managers Association
Construction Suppliers Association
Georgia Underground Utilities Association
Georgia Chapter – American Society of
Landscape Architects
Georgia Credit Union Association
Greater Atlanta Home Builders Association
Mortgage Bankers Association of Georgia