

CORONAVIRUS

MARCH 2020 • NO. 2

How to Address Coronavirus-Related Landlord-Tenant Issues

This client alert provides some concrete advice to landlords, building owners, and management companies of both commercial and residential buildings dealing with issues surrounding the coronavirus.

Q: Should I circulate a memo to tenants/residents about the Coronavirus?

A: Yes. You should advise your tenants that you are monitoring the situation and asking them to report to you any confirmed case of COVID-19 (the disease caused by the present strand of coronavirus) affecting any occupant (or employee/visitor of any occupant). In addition, you should provide basic guidelines and protocols recommended by the Centers for Disease Control (“CDC”) and the World Health Organizations (“WHO”) with regard to the risk to others.

Q: Should I be taking any additional precautions with building staff?

A: Most employers are allowing employees to work remotely if that is an option. For those employees who are manual laborers, it is recommended that you provide personal protective equipment, such as latex gloves, and try to limit their physical contact with others, such as reducing the delivery of packages and non-essential repairs.

Q: What restrictions should I impose on tenants in commercial buildings?

A: You should ensure that tenants have been advised (and they have advised their employees) not to come to work if they are experiencing acute respiratory illness (cough, shortness of breath, or difficulty breathing) and that they are required to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g., Tylenol, Advil, cough suppressants, etc.).

Q: What restrictions should I impose on residents in my residential buildings?

A: You should advise residents to contact a health professional and not leave their apartment if they are experiencing acute respiratory illness (cough, shortness of breath, or difficulty breathing) are required to stay home and not come to work until they are free of fever (100.4° F [37.8° C] or greater using an oral thermometer), signs of a fever, and any other symptoms for at least 24 hours, without the use of fever-reducing or other symptom-altering medicines (e.g., Tylenol, Advil, cough suppressants, etc.).

Q: What legal obligations do I have if I learn that a resident or tenant has been diagnosed with COVID-19?

A: While the terms of the applicable leases, and the CDC, WHO, and other government and health department guidelines may determine your legal obligations, adhering to prudent business practices determines whether disclosure should be made even if not necessarily legally required. To that end, we recommend Providing as much information to the other occupants of the building, including the floor on which the occupant resides or leases space, the specific elevator bank that services that floor, and the last time the infected individual was in any of the common areas of the building. Do not identify the person by name.

Q: Can I limit non-essential services in my building?

A: While the leases govern what services are to be provided, consider the health and safety of your occupants in reducing or eliminating non-essential services. For example, if your building has a gym, consider closing the gym or reducing the number of people who can use the gym at a given time. Consider closing common conference or meeting rooms, especially if this is an accommodation you provide to your residents/tenants and not something required by your lease.

THINKING AHEAD...

In preparing for the possibility down the road (which may not be so far away) that your building may be short staffed as a result of employees calling in sick, it is wise to devise a contingency plan now. Provided these recommendations are not inconsistent with any applicable collective bargaining agreements, you may want to consider alternatives now as to reduce the spread of infection, such as:

- staggering work schedules so as to have fewer employees working at the same time;
- having your employees train one another regarding their essential functions; and
- putting together a list of people in the building willing to volunteer to provide essential services that do not pose any dangers.

Blank Rome's [Coronavirus \("COVID-19"\) Task Force](#) is continuing to monitor the COVID-19 crisis and will provide further updates for landlords, building owners, and management companies as they become available.

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