



# @ HOME TOGETHER: ONE LAST TIME

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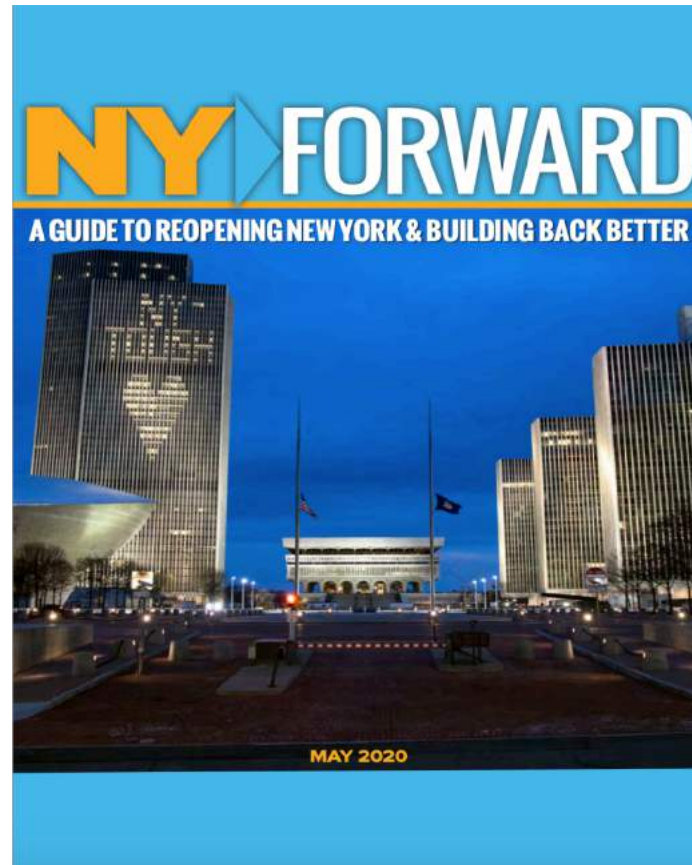
PRESENTED BY LIBOR'S CORPORATE COUNSEL DOREEN  
SPAGNUOLO & ASSOCIATE CORPORATE COUNSEL PATRICK FIFE

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**[www.lirealtor.com/covid](http://www.lirealtor.com/covid)**

## Real Estate is Entering Phase 2 of NY Forward



<https://forward.ny.gov>

## When Does Phase 2 Begin?

- **Phase 2** is anticipated to begin on Long Island (Nassau and Suffolk Counties) as of Wednesday, June 10, 2020.
- New York City entered **Phase 1** of re-opening on Monday, June 8th.
- Phase 2 is not expected to begin in New York City (including Queens & Brooklyn) until early July.

## What Does Entering into Phase 2 Mean?

- Limited in-person showings will be allowed at properties located in Phase 2 regions.
- Brokerage offices in Phase 2 regions can be open to the public with restrictions.
- Permitted actions are dictated by location of activity:
  - Offices located in Phase 2 region (Nassau & Suffolk) can open, but licenses working from offices located in Phase 2 cannot do limited in-person showings of listings in Phase 1 (Queens & Brooklyn).
  - Offices in Phase 1 region (Queens & Brooklyn) cannot open, but licensees working from those offices can do a limited in-person showing of listings in Phase 2 (Nassau & Suffolk).
- **Three key documents** that real estate businesses must review.

# NYS Detailed Guidelines for Real Estate



**When you have read this document, you can affirm at the bottom.**

As of May 28, 2020

## **Purpose**

This Interim Guidance for Real Estate Services during the COVID-19 Public Health Emergency (“Interim COVID-19 Guidance for Real Estate”) was created to provide owners/operators of businesses in the real estate sector and their employees, salespeople/brokers and contractors with precautions to help protect against the spread of COVID-19 as real estate businesses continue to operate or reopen.

This guidance applies to residential property management entities, real estate salespeople/brokers, building inspectors, building appraisers, and related activities. This guidance provides further guidelines in addition to that previously issued pursuant to Executive Order 202.6 for real estate services. This guidance does not address entities occupying office space; for more information, see “Interim COVID-19 Guidance for Office-Based Work.” This guidance also does not address non-residential/commercial property management; for more information, see, “Interim COVID-19 Guidance for Commercial Building Management.” However, if a residential property management entity is also responsible for non-residential/commercial property management in the same building, and if residential tenants and commercial tenants share entrances, parking, or other common spaces, the property management entity must also review and affirm the guidance for the commercial building management sector.

## **Background**

These guidelines are minimum requirements only and any Responsible Party is free to provide additional precautions or increased restrictions. These guidelines are based on the best-known public health practices at the time of Phase II of the State’s reopening, and the documentation upon which these guidelines are based can and does change frequently. The Responsible Parties – as defined below – are accountable for adhering to all local, state and federal requirements relative to real estate activities. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into any real estate activities and/or Site Safety Plan.

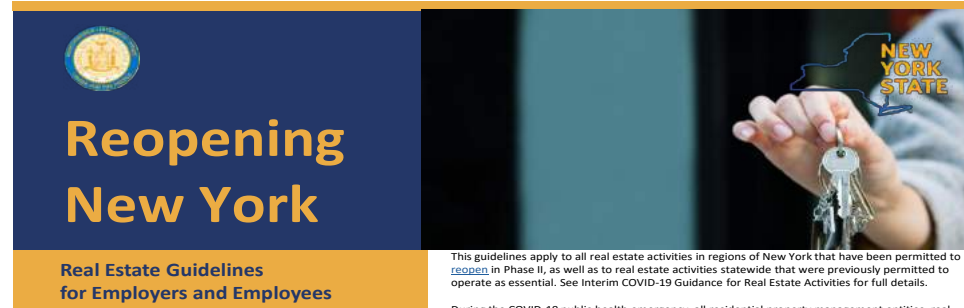
On March 7, 2020, Governor Andrew M. Cuomo issued [Executive Order 202](#), declaring a state of emergency in response to COVID-19. Community transmission of COVID-19 has occurred throughout New York. To minimize further spread, social distancing of at least six feet must be maintained between individuals, where possible.

On March 20, 2020, Governor Cuomo issued [Executive Order 202.6](#), directing all non-essential businesses to close in-office personnel functions. Essential businesses, as defined by Empire State Development Corporation (ESD) [guidance](#), were not subject to the in-person restriction, but were, however, directed to comply with the guidance and directives for maintaining a clean and safe work environment issued by the New York State Department of Health (DOH), and were strongly urged to maintain social distancing measures to the extent possible. Specifically, for real estate services, guidance issued by Empire State Development stated:

## NYS Detailed Guidelines for Real Estate

- Guidelines provide minimum requirements that licensees must follow and best practices for reopening real estate businesses and conducting real estate related activities.
- They are mandatory minimum requirements and any party is free to provide additional precautions or increased restrictions.
- NY State will grant no waivers from mandatory requirements.
- Prior to re-opening, each broker or his/her designee (can be an office manager) must review and affirm the 13-page document by clicking a link at the end of the document and then fill in the information requested.
- The broker is responsible for meeting the standards and for ensuring that their affiliated licensees following the Guidance.
- Most references to “employees” also apply to agents, brokers, salespeople, sub-contractors, and vendors.
- <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/realestate-masterguidance.pdf>

# NYS Summary Guidelines for Real Estate



**Reopening  
New York**

**Real Estate Guidelines  
for Employers and Employees**

This guidelines apply to all real estate activities in regions of New York that have been permitted to **reopen** in Phase II, as well as to real estate activities statewide that were previously permitted to operate as essential. See Interim COVID-19 Guidance for Real Estate Activities for full details.

During the COVID-19 public health emergency, all residential property management entities, real estate salespeople/brokers, building inspectors, building appraisers and related companies/operators should stay up to date with any changes to state and federal requirements related to the real estate sector and incorporate those changes into their operations. This guidance is not intended to replace any existing applicable local, state, and federal laws, regulations, and standards.

	Mandatory	Recommended Best Practices
<b>Physical Distancing</b>	<ul style="list-style-type: none"> <li>✓ Ensure that workforce (e.g. salespeople, workers, subcontractors, and vendors) and customer presence total occupancy is limited to 50% of the maximum occupancy for a particular area as set by the certificate of occupancy.</li> <li>✓ A distance of at least 6 ft. must be maintained amongst all individuals at all times, unless safety of the core activity requires a shorter distance (e.g. cleaning, maintenance, measurement for appraisals, unit inspections).</li> <li>✓ Any time salespeople, workers, subcontractors, and vendors must come within 6 ft. of another person, acceptable face coverings must be worn ensuring that mouth and nose are covered. Individuals must be prepared to don a face covering if another person unexpectedly comes within six feet.</li> <li>✓ Prohibit the use of confined spaces (e.g. elevators, vehicles) by more than one individual at time, unless all individuals are wearing face coverings. If occupied by more than one person, keep occupancy under 50% of maximum capacity.</li> <li>✓ Limit use of cloth, disposable, or other homemade face coverings for workplace activities that typically require a higher degree of protection for personal protective equipment (PPE) due to the nature of the work.</li> <li>✓ Modify seating areas (in common outdoor spaces such as terraces and courtyards) to ensure that individuals (e.g. workers and/or residents) are at least 6 ft. apart in all directions (e.g. side-to-side and when facing one another).</li> <li>✓ Non-essential common areas (e.g. game rooms) must remain closed.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Remind residents and customers to wear face coverings in shared spaces (e.g. lobby corridors, elevators, apartment units) when a minimum 6 ft. is not possible.</li> <li>✓ Restrict/modify the number of workstations and worker seating areas, so that workers are at least six feet apart in all directions (e.g. side-to-side and when facing one another) and are not sharing workstations without cleaning and disinfection between use.</li> <li>✓ Enable the use of stairs to prevent congregation in elevator waiting areas and limit density in elevators.</li> <li>✓ Consider physical barriers (e.g. strip curtains, cubicle walls, plexiglass) in accordance with <a href="#">OSHA guidelines</a>.</li> <li>✓ Consider closing any common indoor or outdoor seating areas.</li> <li>✓ Prohibit the use of small tightly confined spaces (e.g. elevators, staff rooms) by more than one individual at a time, unless all individuals are wearing acceptable face coverings.</li> <li>✓ Reduce bi-directional foot traffic using tape or signs with arrows in narrow aisles, hallways, or spaces, and post signage and distance markers denoting spaces of six feet in all commonly used areas and any areas in which lines are commonly formed or people may congregate (e.g. elevator entrances, escalators, lobbies, clock in/out stations, health screening stations, etc.).</li> <li>✓ Limit in-person gatherings to the greatest extent possible and use other methods such as video or teleconferencing whenever possible, per CDC guidance "<a href="#">Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)</a>."</li> </ul>



## NYS Summary Guidelines for Real Estate

- 7-page document that provides a checklist summary of the detailed guidelines.
- The Detailed Guidelines are what controls and what business owners must affirm to.
- But the Summary Guidelines are a good quick referral source for “Recommended Best Practices”.
- Good summary document for brokers to distribute to all employees and agents. Also good disclosure to customers for in-person protocols.
- <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/RealEstateSummaryGuidance.pdf>

# NYS Safety Plan Template



## NY FORWARD BUSINESS RE-OPENING SAFETY PLAN TEMPLATE

Each re-opening business must develop a written Safety Plan outlining how its workplace will prevent the spread of COVID-19. A business may fill out this template to fulfill the requirement, or may develop its own Safety Plan. **This plan does not need to be submitted to a state agency for approval** but must be retained on the premises of the business and must be made available to the New York State Department of Health (DOH) or local health or safety authorities in the event of an inspection.

Business owners should refer to the State's industry-specific guidance for more information on how to safely operate. For a list of regions and sectors that are authorized to re-open, as well as detailed guidance for each sector, please visit: [forward.ny.gov](https://www.forward.ny.gov)

### COVID-19 Reopening Safety Plan

Name of Business:

Industry:

Address:

Contact Information:

Owner/Manager of Business:

Human Resources Representative and Contact Information, if applicable:

### I. PEOPLE

A. Physical Distancing. To ensure employees comply with physical distancing requirements, you agree that you will do the following:

- Ensure 6 ft. distance between personnel, unless safety or core function of the work activity requires a shorter distance. Any time personnel are less than 6 ft. apart from one another, personnel must wear acceptable face coverings.
- Tightly confined spaces will be occupied by only one individual at a time, unless all occupants are wearing face coverings. If occupied by more than one person, will keep occupancy under 50% of maximum capacity.

## NYS Safety Plan Template

- 6-page document that **all businesses must complete** prior to re-opening.
- The template specifies a plan for People (social distancing), Places (cleaning & hygiene) and Process (how you are going to screen and contact trace).
- Brokers with multiple offices must complete a template for **each location**.
- Businesses must **conspicuously post** completed safety plans on site at each location.
- Businesses must designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.
- [https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYS\\_BusinessReopeningSafetyPlanTemplate.pdf](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/NYS_BusinessReopeningSafetyPlanTemplate.pdf)

## Phase 2

**What Does Phase 2 Mean  
for In-Person Real Estate Activities?**

## What Are the Requirements and Best Practices for Conducting Real Estate Activities in Phase 2?

- The Guidance for real estate activities can be broken down into the following categories:
  - In-person contact with consumers
  - Interaction with consumers
  - In-person showings
  - Open houses
- We will take each category separately and provide you with requirements outlined in the Guidance along with best practices as suggested by NYSAR.

## Guidance for In-Person Contact with Consumers

- Brokers are encouraged, but not required, to conduct remote walkthroughs rather than in-person walkthroughs (e.g. recorded/live video) where possible.
- Whenever possible, activities still should be conducted remotely with consumers.
- Whenever in-person contact occurs with a consumer, the Licensee **MUST** be wearing an appropriate face covering and maintain social distancing.

## Guidance for Interaction with Consumers

- Licensees **MUST** limit in-person gatherings with consumers to the greatest extent possible and use other methods such as video or teleconferencing whenever possible. When videoconferencing or teleconferencing is not possible, licensees should hold meetings in open, well-ventilated spaces and ensure that individuals maintain 6 feet of social distance between one another and wear appropriate face coverings.
- Licensees should avoid driving in the same car with prospective tenants/buyers. If this cannot be avoided, face coverings must be worn by everyone in the vehicle and frequently touched areas of the vehicle should be cleaned and disinfected.

## Guidance for In-Person Showings

- In-person showings may only be conducted in unoccupied (if there is an occupant, they must not be present) and vacant property.
- Licensee must limit the number of individuals viewing the property at any one time.
- Licensees should schedule all showings in advance, whenever possible.
- Licensees and consumers must wear an appropriate face covering at all times.
- Gloves and shoe coverings can also be required by the owner or broker.
- Brokers must provide appropriate face coverings to licensees and should provide them to consumers, if necessary.
- Licensees should not dispose of PPE (personal protective equipment) at the property being shown.
- Consumers should be instructed to only touch essential surfaces, such as the use of a handrail to go up or down stairs. Consumers should be instructed not to touch other areas or surfaces including cabinets, countertops, appliances, etc.



## Guidance for In-Person Showings (Contd.)

- Licensees are responsible for cleaning and disinfecting high touch surfaces such as doorknobs and handrails before and after every showing. As a best practice, licensees should disinfect every surface that was touched during a showing.
- Showing times **MUST** be staggered so as not to have the next scheduled buyer/tenant waiting outside for the current showing to end.
- As a best practice, only one party should be in the property at a time. If more than one party is inside the property at the same time, **6 feet of distance must be maintained at all times between individuals**, and the face coverings must be worn (face coverings are already mandatory).
- Licensees and buyers/tenants are encouraged not to bring young children or extraneous guests to property showings, when possible, or leave attended children outside.
- Licensees are encouraged to make hand sanitizer available to potential customers before and after visiting a property.

## Guidance for In-Person Showings (Contd.)

- **Health Screening:** The Guidelines state that licensees should screen each seller/buyer/landlord/tenant prior to a showing.
- Licensees should discuss the use of the screening questionnaire with the seller/landlord and whether the seller/landlord requires potential buyers/tenants to answer the questions before being permitted access to the property.
- If screening is performed, NYSAR strongly recommends that such screening be done remotely (phone, email, etc.).
- If licensees conduct screening, the following questions must be asked as part of the screening process:
  - Have you knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19?
  - Have you tested positive for COVID-19 in the past 14 days?
  - Have you experienced any symptoms of COVID-19 in the past 14 days?
  - Licensees should require the seller/landlord to disclose if they become symptomatic and/or they test positive for COVID-19 within 48 hours of the last visit to their property.
  - Licensees should require the buyer/tenant to disclose if they become symptomatic and/or they test positive for COVID-19 within 48 hours of the last visit to the property.

## Guidance for Open Houses

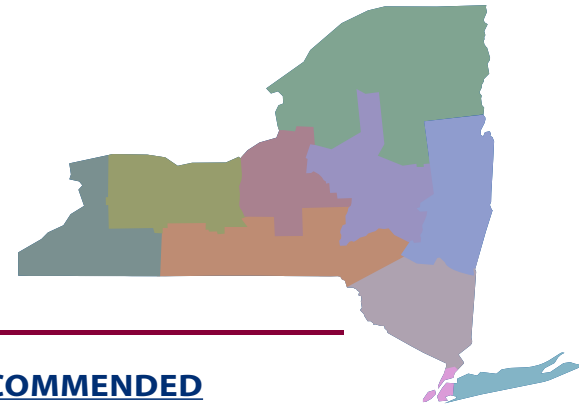
- Although the Guidance permits open houses, it includes the following restrictions:
  - **Only 1 party may be inside the property at a time.** The licensee needs to be sure no other party can enter.
  - Licensees choosing to hold a traditional open house run the risk of multiple parties congregating outside the property waiting for their turn to view the property or attempting to enter the property while another party is inside. Licensees should make every attempt to schedule showing times for an open house to avoid such issues.
  - May only be conducted in unoccupied (**if there is an occupant they must not be present**) or vacant properties.
  - Licensees and consumers **must wear appropriate face coverings** at all times.
  - Brokers must provide appropriate face coverings to licensees and should provide them to consumers, if necessary.

## Guidance for Open Houses (Contd.)

- Consumers should be instructed to only touch essential surfaces, such as the use of a handrail to go up or down stairs.
- Consumers should be instructed not to touch other areas or surfaces including cabinets, countertops, appliances, etc.
- **Licensees are responsible for cleaning and disinfecting high touch surfaces** such as doorknobs and handrails before and after every showing. As a best practice, licensees should disinfect every surface that was touched during a showing.
- Licensees should not dispose of PPE at the property where the open house is held.







# COVID-19 PHASE 2 GUIDANCE

## RESIDENTIAL IN-PERSON PROPERTY SHOWINGS AND RELATED ACTIVITIES



Real estate businesses are allowed to conduct limited in-person operations for properties in regions that have been approved for Phase-2. These are both mandatory and recommended guidelines from the NYS Department of Health to keep you and your clients safe and healthy. Brokers and their associated licensees should review and become familiar with the detailed requirements set forth in the Interim Guidance Document ([link provided below](#)).

### MANDATORY

-  Showings are only allowed in unoccupied or vacant properties (e.g. current owner or lessee is not inside the property).
-  All individuals visiting the property will be required to wear a face covering at all times.
-  Replace or clean and disinfect gloves after every showing (as applicable).
-  Clean and disinfect high-touch surfaces (e.g. handrails, door knobs etc.) before or after every showing.
-  Stagger showings in order to avoid the congregation of people outside and inside properties.
-  Open houses are only allowed with one party inside the property at a time.

### [NYSARCOVIDUPDATES.COM](https://www.nysarcovidupdates.com)

- [FAQs for Regional Re-opening](#)
- [NYSAR Phase 2 Guidance for Real Estate Activity](#)

### [FORWARD.NY.GOV/PHASE-TWO-INDUSTRIES](https://www.forward.ny.gov/phase-two-industries)

- [View Summary Guidelines](#)
- [Read and Affirm Interim Guidance](#)
- [Print business safety plan template](#)

### RECOMMENDED

-  Gloves and shoe-covers are recommended in addition to face coverings.
-  Provide face coverings and gloves to prospective tenants and/or buyers, if necessary.
-  Sellers/lessees are advised to open all necessary doors and cabinets as well as turn on all light switches to ensure minimal touching of surfaces by outside parties.
-  Advise prospective tenants/buyers to only touch essential surfaces (e.g. handrails going up/down stairs if necessary) during their time in the property.
-  Limit showing of common building amenities in-person (e.g. gym, roof deck, pool).
-  Encourage only one party (e.g. building inspector, home appraiser, prospective tenant/buyer, photographer, stager) to be allowed inside the property at a time.
-  Prospective tenants/buyers are encouraged not to bring young children to property showings, when possible, or leave attended children outside.
-  Limit salespeople / brokers from driving in the same car with prospective tenants / buyers. If this cannot be avoided, face coverings must be worn by everyone in the vehicle and frequently touched areas of the vehicle should be cleaned and disinfected.
-  Conduct remote walkthroughs rather than in-person walkthroughs (e.g. recorded/live video).



## Phase 2

# FAQ on Real Estate Activities

## How Does a Licensee Prove that they Disinfected and Cleaned all the Surfaces that were Touched by a Consumer?

- Document it!
- Make a video or document the dates, times and items that were cleaned.
- Keep the record for your files.

## Can I Ask Client/Customer/Consumer if they have been Exposed to COVID-19?

- Yes, the Interim Guidance Document provided by ESD and DOH includes permissible screening questions relating to COVID-19 exposure that NY State recommends should be asked of every seller/buyer/landlord/tenant.



## Is there a Screening Questionnaire Provided by ESD or DOH?

- No. There is no form questionnaire.
- To be clear, there are two different scenarios for screening – one for employers to screen employees/agents and one for property showings.
  - Screening for employees/agents is mandated.
  - Screening for in-person showings is recommended.
- The broker/employer is free to add other questions to either screening scenario after consulting with their legal counsel.

## Can a Professional Photographer and/or Videographer Take Photos and/or Videos of a Property Located in a Phase 2 Region?

- Yes, if the photographer/videographer is operating in a region open under Phase 2.

## Can a Licensee Perform In-Person Showings of a Property Located in a Region Open Under Phase 2?

- Yes, as long as all requirements contained in the Interim Guidance Document are strictly followed.

## Can a Licensee Perform In-Person Open House in a Region Open Under Phase 2?

- Yes. However, as discussed earlier the Interim Guidance Document only permits one party to be in the property at a time. As a best practice, Licensees should schedule appointments for open houses in order to avoid having multiple parties present at the property and congregating outside waiting to see the property.

## Can a Licensee Have In-Person Contact with a Member of the Public in a Region Open Under Phase 2?

- Yes. The Interim Guidance Document permits in-person contact with a member of the public as long as required health and safety measures set forth in the Document are followed.

## Can the Purchaser be Present at an Inspection of a Home Located in a Region Open Under Phase 2?

- That would be up to the inspector and their interpretation of the Interim Guidance Document.

## Can a Licensee Conduct a Final Walkthrough with a Consumer at a Property in a Region Open Under Phase 2?

- Yes, as long as all requirements for a showing contained in the Interim Guidance Document are strictly followed.

## Can a Licensee Attend a Closing in a Region Under Phase 2?

- No. Licensees should not be attending closings in-person.



# NYSAR's Phase 2 COVID-19 Disclosure Form



**PHASE 2  
COVID-19 DISCLOSURE**

**CO-BRANDING  
AREA**

On January 30, 2020, the World Health Organization (WHO) designated the novel coronavirus, COVID-19, outbreak as a Public Health Emergency of International Concern. On January 31, 2020, the United States Health and Human Services (HHS) Secretary declared a public health emergency for the entire United States and on March 7, 2020, Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York (the "Emergency").

Empire State Development (ESD) has determined that real estate services, including appraisals, inspections and other services necessary to complete a transfer of real property; may be conducted in-person for those regions that have entered Phase 2 of the reopening so long as required health and safety precautions set forth in the Interim Guidance Document published by ESD and the Department of Health are followed. It may become necessary for a real estate licensee, inspector, appraiser, buyer, tenant or other third party to access the Property. Such access raises the potential for liability resulting from exposure to COVID-19. By agreeing to permit such parties to enter the Property or by agreeing to enter the Property, all parties acknowledge there is an assumption of exposure to COVID-19 and any and all consequences and/or injury which may result from such exposure, including but not limited to, physical and/or psychological injury, pain, suffering, illness, temporary or permanent disability, death or economic loss. This disclosure will help you to make informed choices about access to the Property during the Emergency.

The undersigned hereby acknowledge receipt of this COVID-19 Disclosure Statement.

\_\_\_\_\_  
Seller/Buyer/Landlord/Tenant      Date      Print name

\_\_\_\_\_  
Seller/Buyer/Landlord/Tenant      Date      Print name

This form was provided by \_\_\_\_\_  
Print Name of Licensee

of \_\_\_\_\_ a licensed real estate broker.  
Print Name of Company, Firm or Brokerage

# How Does a Licensee Use the Updated NYSAR COVID-19 Phase 2 Disclosure Form?

- NYSAR updated its COVID-19 Disclosure Form to be used for limited in-person showings during Phase 2.
- The form is **OPTIONAL** and each Licensee must have the permission of their broker before using the form.
- Licensees should present the form to the seller or buyer in the same manner as an agency disclosure form is presented.
- The COVID-19 Disclosure Form notifies the seller and buyer of the risks associated with permitting a person to enter one's property or by entering another person's property.
- By signing the Disclosure Form, the seller or buyer acknowledges that by permitting access or by accessing the property they assume the risk of potential exposure to COVID-19. Licensees should explain to the seller/buyer that the Form outlines the risks of COVID-19 exposure and by signing the Form they are acknowledging and assuming such risk.
- Licensees should have the seller/buyer sign the Form, print their name next to their signature and provide a signed copy to the seller/buyer and retain a signed copy for the broker's file. The form can be delivered in any manner currently permitted (paper or electronic).

## If a Licensee Uses the NYSAR COVID-19 Disclosure Form Can the Licensee Perform In-Person Showings of a Property Located in a Phase 2 Region?

- Yes, as long as the Licensee strictly follows all the requirements contained in the Interim Guidance Document.

## What if the Seller or Buyer Refuses to Sign the COVID-19 Disclosure Form?

- The licensees should follow the same procedure when a consumer refuses to sign an agency disclosure form.
- If the seller or buyer refuses to sign the Form, the Licensee should set forth a written declaration of the facts of the refusal and maintain a copy for the broker's file.

## If a Buyer/Tenant Refuses to Sign the COVID-19 Disclosure Form or Refuses to Answer Recommended Screening Questions, Can the Seller/Landlord Refuse to Show the Property to that Party?

- Yes. The seller/landlord can require compliance with both the COVID-19 Phase 2 Disclosure Form and answering the screening questions as a prerequisite before the showing. Consumers are not required to sign the COVID-19 Phase 2 Disclosure or answer the screening questions and if all parties are comfortable with that, a showing may occur.

## If a Seller/Buyer/Landlord/Tenant Answers “Yes” to Any of the Screening Questions, What Should the Licensee Do?

- If a seller/buyer/landlord/tenant answers yes to any question, it would be up to the parties as to whether they want to continue with the in-person showing assessing what risks they may be taking.
- If any party is uncomfortable, a licensee would not be required to conduct an in-person showing.
- If they decide to go forward with the in-person showing, it may be a good idea to utilize the COVID-19 Phase 2 Disclosure Form.

## Phase 2

**What Does Phase 2 Mean  
for In-Office Real Estate Activities?**

## Mandatory Physical Distancing

- Ensure that workforce (e.g. salespeople, workers, subcontractors, and vendors) and customer presence **total occupancy is limited to 50% of the maximum occupancy** for a particular area as set by the certificate of occupancy.
- A **distance of at least 6 ft. must be maintained** amongst all individuals at all times, unless safety of the core activity requires a shorter distance (e.g. cleaning, maintenance).
- Any time salespeople, workers, subcontractors, and vendors must come within 6 ft. of another person, acceptable face coverings must be worn ensuring that mouth and nose are covered. Individuals must be prepared to don a face covering if another person unexpectedly comes within 6 ft.
- Prohibit the use of confined spaces (e.g. elevators, vehicles) by more than one individual at time, unless all individuals are wearing face coverings. If occupied by more than one person, keep occupancy under 50% of maximum capacity.



## Mandatory Physical Distancing (Contd.)

- Modify seating areas to ensure that individuals (e.g. workers and/or residents) are at least **6 ft. apart in all directions** (e.g. side-to-side and when facing one another).
- Non-essential **common areas (e.g. kitchens) must remain closed.**
- Implement practices to maintain adequate social distancing in small areas, such as restrooms and breakrooms, and signage and systems (e.g. flagging when occupied) to restrict occupancy when social distancing cannot be maintained in such areas.
- Reduce interpersonal contact and congregation through various methods (e.g. adjusting workplace hours, limiting in-person presence to necessary staff, shifting design, reducing on-site workforce, stagger schedules, segment and batch activities).
- Establish designated areas for pickups and deliveries, limiting contact to the extent possible.

## Mandatory Protective Equipment

- Provide workers with an **acceptable face covering at no cost to the workers/contractors** and have an adequate supply of coverings in case of replacement.
- Acceptable face coverings include but are not limited to cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, and face shields.
- Clean, replace, and prohibit sharing of face coverings. Consult the CDC guidance for additional information on cloth face coverings and other types of PPE, as well as instructions on use and cleaning.
- Train workers on how to don, doff, clean (as applicable), and discard.
- Advise workers and visitors to wear face coverings in common areas including elevators, lobbies, and when traveling around the office.
- Limit the sharing of objects, such as laptops, notebooks, telephones, touchscreens, and writing utensils, as well as the touching of shared surfaces; or, require workers to wear gloves when in contact with shared objects or frequently touched surfaces; or, require workers to perform hand hygiene before and after contact.

## Mandatory Cleaning & Hygiene

- Adhere to hygiene and sanitation requirements from the CDC and Department of Health (DOH) and maintain cleaning logs on site that document date, time, and scope of cleaning.
- Provide and maintain hand hygiene stations in office (handwashing with soap, warm water, and disposable paper towels, as well as an alcohol-based hand sanitizer containing 60% or more alcohol for areas where handwashing is not feasible).
- Provide and encourage participants to use cleaning/disinfection supplies before and after use of shared and frequently touched surfaces, followed by hand hygiene.
- Ensure that equipment regularly cleaned and disinfected using registered disinfectants, including at least as often as workers change workstations.
- Provide appropriate cleaning and disinfection supplies for shared and frequently touched surfaces.
- Rigorous cleaning and disinfection must occur at least after each shift, daily, or more frequently as needed.

## Mandatory Cleaning & Hygiene (Contd.)

- Ensure distancing rules are adhered to in restrooms by reducing capacity where feasible.
- Regularly clean and disinfect the office and conduct more frequent cleaning and disinfection for high risk areas used by many people (e.g. restrooms) and frequently touched surfaces.
- Provide cleaning and disinfection of exposed areas in the event an individual is confirmed to have COVID-19, cleaning, at a minimum, all heavy transit areas and high-touch surfaces (e.g. elevators, lobbies, building entrances, restrooms handrails, door handles).
- If shared building space has been used by sick worker, shut down those shared spaces (e.g. elevator, lobbies, entrances) and disinfect.
- **Prohibit the use of shared coffee pots or other food and beverage amenities** normally provided to residents and/or workers.
- Prohibit shared food and beverages (e.g. buffet style meals), encourage bringing lunch from home, and reserve adequate space for workers to observe social distancing while eating meals.

## Mandatory Communication

- Affirm you have reviewed and understand the state-issued industry guidelines, and that you will implement them.
- **Post signage** inside and outside of the office location to remind personnel and customers to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfecting protocols.
  - Signs can be simple paper print outs that are easily found on Internet
- Develop a communications plan for employees and customers that includes applicable instructions, training, signage, and a consistent means to provide individuals with information.
- If an employee tests positive for COVID-19, you must immediately notify state and local health departments and cooperate with contact tracing efforts, including notification of potential contacts who had close contact with the worker, while maintaining confidentiality as required by state and federal law and regulations.

## Mandatory Communication (Contd.)

- **Maintain a continuous log of every person, including workers and visitors, who may have close contact with other individuals** at the gathering site or area; excluding deliveries that are performed with appropriate PPE or through contactless means. The log is not required to maintain a list of visitors.
- Must conspicuously **post completed safety plans on site.**
- Must designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.

## Mandatory Screening

- Employees who are sick should stay home or return home, if they become ill at work.
- Implement mandatory health screening assessment (e.g. questionnaire, temperature check) for employees asking about (1) COVID-19 symptoms in past 14 days, (2) positive COVID-19 test in past 14 days, and/or (3) close contact with confirmed or suspected COVID-19 case in past 14 days.
- Assessment responses must be reviewed every day and such review must be documented.
  - If a person has COVID-19 symptoms AND EITHER tests positive for COVID-19 OR did not receive a test, the individual may only return after completing 14 days of self-quarantine.
  - If a person does NOT have COVID-19 symptoms BUT tests positive for COVID-19, the individual may only return after completing 14 days of self-quarantine.
  - If a person has had close contact with a person with COVID-19 for a prolonged period of time AND is symptomatic, the individual should follow the above protocol for a positive case.
  - If a person has had close contact with a person with COVID-19 for a prolonged period of time AND is NOT symptomatic, the individual must complete a 14 day self-quarantine.

## **Mandatory Screening (Contd.)**

- An employee who screens positive for COVID-19 symptoms should not be allowed to enter the location and should be sent home with instructions to contact their healthcare provider for assessment and testing.
- Tenants are responsible for screening their own employees and visitors, but management and tenants should coordinate to facilitate screening.
- Screeners should be trained by individuals familiar with CDC, DOH, and OSHA protocols and wear appropriate PPE, including at a minimum, a face covering.
- Have a plan for cleaning, disinfection, and contact tracing in the event of a positive case.



## **Additional Best Practices “Recommended” by the Phase 2 Reopen Guidelines**

- Limit in-person presence to only personnel necessary for the current task(s), adjusting hours to spread employee and customer traffic over a longer period of time, staggering arrival/ departure times, creating A/B teams.
- Modify the use and/or restrict the number of workspaces and employee seating areas to maintain 6 ft. distance.
- Reduce bi-directional foot traffic by posting signs with arrows in narrow aisles, hallways, or spaces.
- Consider physical barriers like plexiglass shields at reception areas.
- Prohibit non-essential visitors.

## **Additional Best Practices “Recommended” by the Phase 2 Reopen Guidelines (Contd.)**

- Limit meetings to the greatest extent possible and continue to use virtual meetings whenever possible.
- Encourage employees to bring lunch from home and reserve adequate space for employees to observe social distancing while eating meals.
- Provide hand sanitizer to potential customers before and after visiting the office or properties.
- Install touch-free hand sanitizer dispensers at high-touch areas, including entrances/exits.
- Use technology to communicate & train - Provide employee safety training via webpages, text or email groups.
- Perform health screening remotely (e.g. by telephone or electronic survey), before reporting to the work location, to the extent possible.
  - Use technology like Google Forms

## **Reasons to Consider Adopting the “Recommended” Guidelines**

- Reduces spread of COVID-19.
- Reduces likelihood of having to close entire office in the event of a positive result.
- Reduces the risk of an adverse employment claims.
- Makes employees & customers feel safe.

# Questions???

Thank You & Stay Safe

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