

How Boards and Property Managers Should Prepare for COVID-19 in New York

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According to the Centers for Disease Control and Prevention (CDC), the immediate risk of being exposed to COVID-19 (aka, the coronavirus) is thought to be low. While the virus is not currently widespread in the United States, people located in areas where community spread of the virus is occurring more rapidly are at an elevated risk of exposure. Accordingly, boards and property managers in New York should begin preparations in their buildings to help limit and contain potential COVID-19 exposure.

Until the government authorizes otherwise, it is important that boards and property managers refrain from making inquiries about the medical conditions of their employees or residents that would violate the Americans with Disabilities Act (ADA), other state and local anti-discrimination laws, and/or laws regarding rights to privacy. Therefore, boards should also avoid asking any employees or residents if they have been diagnosed with COVID-19. Boards should not take any actions that would target anyone based on race, ethnicity, or national origin.

Boards are, however, permitted and encouraged to notify employees and residents of known exposure risks in the building so long as the board refrains from releasing personal or medical information about any particular individual. It is always recommended for boards to confer with their legal counsel prior to sending out any such notices to determine how the communications should be made and to ensure compliance with the law. With that said, boards should consider the following recommendations to better prepare for the risk of COVID-19 exposure among their residents and employees.

1. Monitor advisories and updates from the CDC, World Health Organization, and the New York Health Department.
2. Communicate with employees and residents about the best practices to avoid exposure, including:
 1. no hand-shaking.
 2. using only your knuckles to touch light switches and elevator buttons.
 3. avoiding touching door handles with your hands. Open doors with your closed fist or hip whenever possible.
 4. washing your hands 8-10 times daily (plus before eating) and avoid touching your face.
3. Encourage anyone who is experiencing symptoms of COVID-19 (e.g., fever, cough, shortness of breath, and other breathing difficulties) to seek medical care, if necessary, by calling 911.
4. Encourage building employees, residents, and other occupants to self-report to management if they have tested positive for COVID-19, or may have been exposed to it, to help contain the spread of the virus within the building.
5. Building employees should be instructed to notify management and the board of any visitors, contractors, residents, or occupants who are exhibiting flu-like symptoms. However, building employees should not make contact with, or otherwise interact with individual(s) exhibiting symptoms, but to simply report what they observe on an immediate basis to avoid any violations of the ADA or other anti-discriminatory or privacy laws.
6. Increase the frequency of cleaning in all common and amenity areas, especially door handles, elevator buttons, bathrooms, reception areas, and laundry rooms.
7. Have hand sanitizer available in the lobby and other public areas for use by employees and residents.
8. Create a contingency plan for employee absences in the event there is an outbreak of the virus.



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9. Develop or update the building's communications plan to ensure all residents, tenants, occupants, and employees of the building are equipped to immediately receive information and notices by either email or letters.
10. Contact the building's attorney to discuss how to handle any specific situation that may be of concern, especially in connection with notices and other communications with residents and employees.

We will continue to update you as more information becomes available and/or if our recommendations change.
