Earlier this year, the global COVID-19 pandemic spread quickly, forcing cities to impose stay-at-home and shelter-in-place orders. Building operations had to adjust as non-essential personnel worked from home. BOMA International quickly assembled a task group from across North America to help owners and managers plan for a safe re-entry into commercial buildings that began over the summer by publishing comprehensive guidance on building operations and workforce issues. The guidance document –"Getting Back to Work: Preparing Buildings for Re-Entry Amid COVID-19" – included recommended operational and safety procedures and protocols that should be considered, updated, or enhanced for each building. The Guidance also suggested industry best practices for the safe return of office tenants, building personnel, visitors, vendors, and contractors.

What has changed?

We now see that re-entry and tenant re-occupancy have been slower than initially anticipated due to widely varying local and state mandates and restrictions, and the sheer scale and scope of the pandemic. In addition, tenants, building personnel, contractors, and others continue to struggle with health and safety concerns surrounding the ever-changing science of the pandemic and uncertainty about the availability of a vaccine before mid to late 2021. Experts now predict that many commercial buildings will remain at low occupancy for the remainder of 2020 and likely well into 2021. As a result, many new protocols and recommended best practices written a few months ago for building re-entry have not yet been fully tested.

The slower pace of tenant re-occupancy has created new operational challenges, and local regulations have had a bigger impact than previously expected. We also know more about how the virus spreads, which has impacted recommendations and requirements for PPE, social distancing, janitorial, and HVAC operations, for example. As a result, BOMA International re-assembled its task force to re-examine the original Guidance and develop new, updated operational and safety recommendations, where needed. **"Getting Back to Work 2.0: Building Re-Entry Best Practices in a COVID-19 Reality" replaces the original guidance document and is a framework for developing, updating, and executing individual property or portfolio plans and responding to increasing expectations for safe and healthy buildings and workplaces. All sections of the original Guidance have been significantly edited and updated and include new information and suggested best practices for consideration.**

Update Your Re-Entry Plan and Stay Prepared

Stay Informed! Revisit policies and procedures regularly to ensure your re-entry plan remains aligned with the current and rapidly changing science and recommendations from all applicable federal, state, and local Authorities Having Jurisdiction (AHJ). Keep in mind that requirements may vary between cities and counties in the same state and will impact your buildings differently depending on where they are located. Repeatedly check for updates from the Centers for Disease Control (CDC); Environmental Protection Agency (EPA); American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE); and other regulatory and public health agencies. As re-entry plans are modified, these new changes must be effectively communicated to all staff involved in executing the plan.

Communicate with Building Personnel, Tenants, Vendors and Contractors. Create written "standards of care," consistent with all AHJ, and distribute to building personnel, tenants, vendors, and contractors, along with changes and updates as they are developed. Ask them to share their plans, questions, and concerns with building management, and discuss potential changes to leases and contracts. Have ongoing conversations, not just a one-time discussion when the plans are issued.

Address Occupant Concerns Head On. According to an Underwriters Laboratories study, 60% of Americans fear exposure to COVID-19 in the workplace and then infecting family members at home. Your communications should thoroughly and effectively detail your property's new and enhanced operating protocols so tenants and building personnel feel more confident they will be returning to a safe working environment. These may include enhanced cleaning and disinfecting programs and methods, changes in HVAC operations, water flushing and quality testing, indoor air testing, etc. Avoid any language that "guarantees" safety; it is always a good idea to have legal counsel review all notices.

Maintain Inventory and Supplies. PPE, cleaning, and other supplies may be scarce (and expensive) if a second wave of the virus hits us this winter and flu season, as predicted, and as the pandemic continues to require their ongoing use in the long term. Be sure that you have enough inventory to continue to safely manage operations through the next several months. Consider assigning a team member to actively track the level of supplies and expiration dates, and order supplies before they run out.

Mitigate Risks and Assess New Risks. Meet with your owner's risk manager and insurance broker to assess new potential risks resulting from COVID-19 and update coverage, as appropriate, to match your risk tolerance. See Risk Management and Legal sections later in this document for more and new recommended best practices.

Learn About Third-Party Certifications. In response to the COVID pandemic, several notable organizations are providing new opportunities for building owners to achieve third-party recognition for implementing operational practices that aim to reduce the spread of the virus. The USGBC recently released six LEED Safety First pilot credits to address challenges that have arisen in 2020. These pilot credits relate to cleaning and disinfecting, workplace re-occupancy, HVAC and plumbing operations, and pandemic response practices. Underwriters Laboratories (UL) launched a three-tiered Verified Healthy Building program that includes indoor air and water testing. Fitwel certification has been expanded to include a Fitwel Viral Response Module to address best practices around COVID. The International Well Building Institute offers a Well Health-Safety Rating program for facility operations and management. These programs may help mitigate building occupants' concerns about health and safety in the workplace.

Consult with Legal Counsel. Review all planned new procedures and protocols, leases and contracts, staffing and operational changes, and other potential legal exposures. Be sure you understand guidance from the Occupational Safety and Health Administration (OSHA), Equal Employment Opportunity Commission (EEOC), National Labor Relations Act (NLRA), Families First Coronavirus Response Act (FFCRA), Family and Medical Leave Act (FMLA), and other employment-related laws and orders that may affect responses to the complications that this pandemic has presented.

Prepare for the Long-Term. We are in this for the long haul! COVID-19 may remain a threat well into 2021 and even after a vaccine is available. Do not fall prey to COVID fatigue! Remain vigilant and consistently apply new processes and procedures that ensure compliance with varying federal, state, and local regulations. Be ready to implement permanent changes to health and safety protocols where necessary.

Health and Safety of Building Personnel, Tenants, Visitors, and Contractors

Social Distancing, Personnel Protection Equipment, and Respective Mandates

- Follow CDC guidelines to maintain social distancing and follow federal, state and local mandates or recommendations for properly wearing face masks or coverings and completing self-administered health assessments. Face masks/coverings may be helpful where social distancing is a challenge and in indoor common areas.
- Instruct building personnel, vendors, and contractors to follow all new building policies, including properly wearing face masks/coverings that are typically provided by their employers. Amend existing service agreements, if necessary, to include any new building requirements.
- Advise tenants to follow federal, state, and local guidelines and recommendations regarding social distancing and face masks/coverings when creating their own company's re-occupancy plans. Clearly communicate any building requirements and recommendations that may be in place for tenants to wear face masks/coverings in common areas.
- Maintain proper hygiene by frequently washing hands for at least 20 seconds. Alcohol-based hand sanitizers, preferably

dispensed touch-free, that contain at least 60% alcohol should be readily available in public spaces and common areas and where water is not available.

- To limit possible spread and to reduce congestion at guest check-in, recommend tenants limit the number of guests/visitors to their space as the building adjusts to re-occupancy.
- To relieve the possible pinch points at elevators, work with tenants on possible staggered work hours and/or workdays to best manage building traffic flow as local orders increase allowable occupancy.
- Follow state and local guidelines regarding limits on meeting and gathering sizes and social distancing recommendations and requirements, especially for indoor gatherings. Encourage virtual meetings whenever possible.
- Schedule virtual rather than in-person property tours whenever possible, or schedule tours before or after normal business hours.

Safe Use and Occupancy of Elevators and Escalators

- Elevator "etiquette" is a new principle that emphasizes no talking (unless necessary), properly wearing face coverings over nose and mouth, and facing the wall or facing forward while riding in the elevator. These behaviors help mitigate the potential spread of the virus and should be outlined on signage in the elevators and/or elevator lobbies.
- Consider elevator cab sizes, number of building floors, and daily number of tenants and visitors when establishing social distancing guidelines or elevator riders. If an elevator cab is not large enough to accommodate six-foot spacing between occupants, consider limiting riders to four—one in each corner—for example.
- Evaluate the time it will take for tenants and visitors to reach their destination with new elevator occupancy protocols in place. This evaluation should be iterative and consider the building's estimated population growth at various times during re-occupancy. As anticipated, this wait-time evaluation will become more challenging as tenant occupancy increases, and other strategies as described in this document should be considered to alleviate long wait times.
- Place queuing marks, stanchions, floor decals, mats, etc. in elevator lobbies to reinforce social distancing, and use arrows to indicate on and off paths to elevators.
- In larger towers, designate certain elevators for "up" use and others for "down" use to avoid longer ride times. Consider programming elevators to return to the ground floor for faster re-loading.
- To ease elevator traffic and wait times, consider opening stairwells and designate "up" stairwells and "down" stairwells. This works best for smaller buildings or for access to lower floors only in office towers. Plan for the additional cost to frequently clean and disinfect stairwells and handrails.
- For escalators, the CDC advises one rider every other step and hand sanitizer stations at the top and bottom of each escalator.
- Talk with your elevator service provider or elevator consultant about air purification systems, traffic monitoring and dispatching technology, and touchless or self-cleaning elevator button options that may be available.

Common Areas and Amenity Spaces

- Increase space between lobby furniture and/or reduce seating to promote and support social distancing. Consider removing or replacing upholstered seating which is more difficult to clean and sanitize on a regular basis.
- Most amenity spaces such as fitness areas, conference rooms/gathering spaces, retail, and restaurants have remained closed or have opened with very strict limitations in the last several months. As building operators consider reopening these facilities (as supported by state and local guidelines and mandates), the extent of tenant usage (as determined by a tenant survey), and the cost of re-opening, these factors should be balanced with the ability to provide a safe environment and the potential risk.
- If you choose to open your fitness centers, increase space between or restrict use of some equipment (e.g. every other stationary bike or treadmill) to maintain distance between guests, and implement social distancing protocols for fitness classes and personal training.
- Owners, managers, and legal counsel should address possible state or local requirements for temperature screening in fitness centers and other spaces as soon as possible before tenants begin to re-occupy en masse.
- In consultation with legal counsel, consider creating a new COVID-specific legal waiver for fitness center users that addresses their legal obligations to follow CDC guidelines and asks them to attest to their health before entering the facility.

- Provide touch-free hand sanitizer stations (if available) in lobbies, elevator lobbies, mailrooms, parking facilities, and other common areas, and near restrooms, fitness facilities, retail, and restaurants. Supply sanitizing wipes in fitness facilities for guests before and after equipment use.
- Provide covered trash containers for used face masks/coverings and sanitizing wipes near entrances/exits, elevators, and other common areas; empty and disinfect containers regularly.
- Allow bike rooms to remain open and prepare for an increase in bike riders as commuters seek safer alternatives to mass transit. Identify additional bike parking areas to support increased volume.

Restrict Use of Shared Equipment, Supplies and Space

- Following CDC guidance, discourage workers from sharing company vehicles and office equipment, such as phones and computers. In the event equipment is and can be shared, provide cleaning and disinfection before and after uses and advise staff on the proper use of face masks/coverings, gloves, and other protection while using equipment.
- Instruct building engineers and contractors to maintain their own toolboxes and to clean or disinfect their tools and other materials between uses.
- Consider installing physical barriers, such as sneeze and cough guards, to protect your staff, and partition workstations if possible. Physical or Plexiglass barriers are particularly important for employees who sit in open office areas.
- Ensure cleaning supplies and materials utilized by vendors are not shared among buildings and clients and that tenants provide their own supplies and cleaning protocols for their spaces.
- Utilize or phase-in touch-free technology wherever possible, including in parking facilities. Equip restrooms with touch-free toilets, sinks, fixtures, and dispensers; utilize touch-free hand sanitizing stations; and provide touch-free trash cans where possible.

Security and Building Access

- Limit access points to the building—one entrance and one exit if possible. Create visitor areas at lobby desks with separate paths for "in" and "out."
- If possible, position security personnel at entry points and clearly define their duties and roles. For example, if building policy requires tenants and visitors to wear face masks/coverings in lobbies and other common areas, security or other designated personnel will need to monitor or manage these requirements. This includes how to professionally question if a person entering the building is unable to wear a face covering due to a medical condition or other special circumstance.
- Work with security personnel to establish procedures and ensure training for managing and de-escalating conflicts with tenants, contractors, visitors, and others who may not follow established health, safety, or re-occupancy rules.
- Maintain flexibility to accommodate tenants with special needs and requirements, such as a high-end tenant that may occupy multiple floors.
- Implement social distancing protocols at security and lobby desks to protect personnel and use clear, subscribed, consistent floor markings and signage.
- Consider utilizing access control systems, including interactive robots and other technology, to achieve touchless entry that can also produce metrics for occupancy while assisting with security and building access issues. This is especially important in buildings with no security personnel on site.
- Where health/temperature screening may be required or desired, consider thermal or hand-held screening options and kiosks; talk to your security provider or consultant for advice and options.
- If possible, require tenants to meet visitors in the lobby and escort them or register them in advance with security personnel. Use a visitor management system through pre-registration and check-in to minimize interaction with the security team.
- Develop delivery protocols in cooperation with tenants to accommodate different delivery security preferences. For buildings not open to the public, encourage employees receiving packages to retrieve them from the lobby.
- Only if permitted or requested by a tenant, charge security and/or building personnel with regularly checking interior tenant spaces for damage or other problems, such as water leaks, mold, and musty smells. With tenant occupancy remaining low, problems in tenant spaces may go undetected for long periods of time.

- Provide signage in parking facilities, building entrances and exits, lobbies, common areas, and outside tenant and occupant spaces outlining new rules and procedures. Display signs or posters about social distancing, handwashing, steps to take if ill, etc.
- Provide signs near and in elevators explaining any new procedures for queuing, occupancy limitations in elevator cabs, elevator etiquette, etc. Don't forget signage near freight elevators with requirements for face coverings and other personal protective equipment for contractors and building personnel.
- Signage near fitness centers and food services/restaurants should nclude information on new or limited operating hours, guidance for social distancing, and information about regular cleaning and disinfecting routines.
- Be sure to provide multilingual signs where appropriate and use pictures and graphics.
- Leverage existing ready-to-use, online, printable resources from the WHO, CDC and/or state authorities on most relevant COVID safety practices.
- Solicit feedback from building personnel, tenants, and others to ensure signage is clear and in the right place.

Healthier and Safer Building Operations, Systems, and Management Practices

Building Personnel and Contractors

Building Personnel
- Follow CDC guidelines and provide your staff with the equipment and training necessary to perform their jobs safely, including the use of personal protective equipment (PPE). Ensure personnel are following local codes and ordinances.
- Consult jurisdictional rules regarding industry types and essential workers, definitions of which can change by city and with phases of re-entry. Ensure that personnel working in your building are allowed to work there and/or have been provided with a letter or other approval for access.
- Consider screening personnel who travel between buildings (i.e. are not assigned to a building) as you do visitors.
- Conduct employee awareness training on an ongoing basis to help educate on the pandemic and prevent initial or further exposure to the virus; keep detailed records of when trainings are provided. Training should include how to interact with tenants and visitors in this new environment, such as when to get on an elevator, engaging tenants in their space, social distancing, face masks/covering usage, proper hygiene, etc.
- Absenteeism due to the pandemic may have an impact on productivity and staffing, as employees may feel uncomfortable about returning to work and concerned about the risks of contracting COVID-19. Discuss with your staff new administrative company policies including flex hours and leave. Best practices include cross training staff to fill in when other staff members are out sick or caring for another individual who is sick.
- If a staff member tests positive for COVID-19, practice non-discriminatory, non-punitive administrative policies consistent with the requirements of local authorities. CDC-based measures and response must be followed when determining when it is safe for the staff member to return to work.
- Consider additional staffing that may be necessary for traffic direction in lobbies and elevator lobbies and manage any new visitor or delivery procedures.
- Consider CDC and OSHA recommendations for offering flex hours and staggering staff shifts. As you adjust work schedules, make sure to modify or eliminate any overlapping shifts.
- Reduce face-to-face interactions between building staff, tenants, and vendors. Are there any services you can provide remotely to reduce face-to-face interactions? Consider performing certain maintenance and other services before or after normal business hours when the building is relatively empty.

Vendors and Contractors
- Reduce the number of vendor employees entering the building to the bare minimum needed to deliver the service.
- Ask your vendors to share their COVID response plans and new safety protocols with you in advance of opening and throughout long-term operations amid the pandemic, and proactively work with your vendors before every stage of re-occupancy. Ensure your vendors' "standards of care" are consistent with the standards you have developed for the building.

- Establish procedures to protect the safety of your vendors and contractors while in the building, such as check in/check out, use of PPE and other protective gear, limiting access to assigned work areas, and managing no-touch key drop-off.
- Amend building rules and regulations for construction contractors to incorporate specific COVID-19 requirements, including questionnaires, use of appropriate PPE, etc.
- Do not permit vendors to access the building who may be showing signs of illness or have been in contact with a confirmed case of COVID-19.
- Identify back-up vendors where possible in case of personnel shortages or supply chain interruptions.
- Re-negotiate or re-bid service contracts to include new requirements for staffing or services; be sure to consider union requirements and restrictions.

Janitorial

- Follow EPA, CDC, and other government-approved guidelines, recommendations, and directions for cleaning products, procedures, dwell times, and protocols; confirm with your service provider or consult a third party if practical. Ensure your plan meets or exceeds CDC or other regulatory guidance.
- Consult with your janitorial contractor about the level of cleaning that may be needed in your building to comply with appropriate new standards and review site inventory to ensure adequate cleaning supplies and products. If the building has been empty, normal cleaning and sanitizing may be all that is needed. If the building has been occupied or partially occupied, more thorough cleaning and disinfection are appropriate.
- Depending on building class and occupancy, consider using hand-held UVC wands or electrostatic sprayers/foggers for quick, high-volume disinfecting; flash restrooms with UVC or electrostatic spray disinfection when empty. This specialized equipment may now be easier and less costly to obtain and keep/use in-house.
- Increase frequency of cleaning and disinfecting high-density and high-touch areas, such as building and elevator lobbies; elevator interiors, buttons and surfaces; restrooms; furniture; fixtures; door knobs; switch plates; shared conference spaces; building and suite entrances; mats; handrails, including escalators and stairs; turnstiles; counters; trash containers; and other frequently touched surfaces.
- When the janitorial vendor must clean a space after a positive COVID case has been reported, consider documenting this activity to serve as a permanent record and for tracking purposes.
- Fitness facilities, cafes, restaurants, and retail located in the building may require more frequent and deeper cleaning and disinfecting.
- Cloth wipes and other reusable cleaning materials should be laundered daily and used with an EPA-approved disinfectant. Follow EPA and CDC recommendations for disposing or hot water laundering of cleaning supplies. As an alternate, disposable disinfecting cleaning wipes may be used. A protocol should be established for the number or area sizes of surfaces or number of discrete items that should be cleaned with any one disposable wipe.
- Check EPA's List N for non-toxic, but COVID-effective and LEED compatible cleaning products. Avoid over-cleaning and over-using potentially harmful cleaning chemicals.
- If a building employee, tenant, or visitor becomes ill or tests positive for COVID-19, schedule deep cleaning and disinfection in the affected and all building common areas. Follow a defined COVID-19 cleaning program provided by a qualified service provider.
- Cleaning staff may benefit from new and refresher training on cleaning protocols and proper use of disinfectants by their employer.

Mechanical Systems (HVAC, Plumbing, Water, Elevator)

HVAC
- Since the BOMA guidance was initially issued in May, the science has indicated that COVID can be spread airborne. As a result, HVAC and ventilation in indoor settings have become priority issues.
- Consult ASHRAE guidelines for operating heating, ventilating, and air conditioning systems to reduce COVID-19 transmission and follow CDC guidance where applicable.
- During low- or no-occupancy and prior to building re-entry, run HVAC equipment in building and tenant spaces on at least a reduced−if not regular−schedule in compliance with ASHRAE guidelines.
- Continue normal and regular HVAC maintenance, including filter changes. Check with your building engineers and HVAC contractor for any additional recommended maintenance, changes in maintenance schedules, or filter or system upgrades or changes that would be appropriate.

- If possible, consider increasing exhaust and infusion of outside air for re-entry and perhaps for several weeks following re-entry. General best practices include increasing ventilation, improving filtration, managing humidity at 40-60%, and air cleaning. To the greatest extent possible, eliminate recirculated air.
- Explore the possible use and efficacy of bi-polar ionization and other technology for the HVAC system that are effective against COVID.
- BOMA is working on more extensive guidance on HVAC in the COVID era. Once published, the guidance will be posted in BOMA's online Coronavirus Resource Center.

Plumbing and Water
- During low- or no-occupancy and prior to building re-entry, operate water systems, toilets, faucets, etc. on a regular basis to avoid the accumulation of biofilm and other bacteria which can accumulate in as little as three to five days.
- With a slower than expected pace of building re-occupancy and, in many cases, an overall reduction in water usage in entire regions due to business closures and reduced activity, the water supply into and within commercial buildings may be contaminated. Flushing and cleaning systems may not be enough to eliminate legionella and other harmful and potentially deadly bacteria. Greatest areas of risk include hot- and cold-water systems, storage tanks, and cooling towers. Consider working with a third party to expand the breadth and frequency of water testing. Refer to ASHRAE, International Code Council (ICC), CDC, and American Industrial Hygiene Association (AIHA) guidance on water testing and treatment.
- Check P traps to confirm water seals have not dried out due to lack of water flow.
- Continue to monitor and service all water systems, including hot water heaters, ice machines, filtration systems, etc.

Elevator
- Continue normal and regular elevator maintenance and implement new cleaning protocols as described above under "Janitorial."
- Conduct an overall maintenance and systems check with your engineer before re-opening. Ensure elevator emergency phones are operational.
- Also see section on Safe Use and Occupancy of Elevators and Escalators earlier in this document.

Emergency Preparedness, Evacuation, and Response

- Monitor federal, state, and local changes or mandates and adjust your pandemic plan where necessary. Regularly check with the CDC and World Health Organization (WHO) for the most up to date COVID-19 guidelines.
- Have a long-term pandemic emergency response plan in place. Medical experts expect the COVID-19 situation to continue to evolve for at least the next year, and you may need to adjust your emergency preparedness plan to incorporate the appropriate pandemic response.
- Ensure your building's written procedures and protocols for action/reporting once a tenant, contractor, visitor, or staff person in your building has tested positive for COVID-19 aligns with state, county, and local health agency requirements and standards. Consider tracking COVID-positive cases in an incident report.
- Utilize your existing emergency preparedness team (or separate pandemic team, if warranted) to communicate with tenants and document how the building will respond to pandemic emergencies. Be aware that tenant expectations are likely to change and increase. Also monitor federal, state, and local changes or mandates and adjust your pandemic plan where necessary.
- Work with your local fire department to determine best practices for holding fire drills while social distancing measures are in place. Social distancing may not be practical when moving people rapidly to safety during the drill or actual emergency, and new relocation protocols and after-drill cleaning may be needed. In either case, it is advised that the building's response should avoid the greatest danger to building occupants.
- Discuss the feasibility of virtual fire drills with your local fire department.
- Re-orient tenants to fire exits, assembly points, and other evacuation rules and procedures. New tenants or those who have been absent from buildings for weeks or months may need refresher training.
- BOMA has published more extensive guidance on emergency evacuations in the COVID era (see resource listing at the end of this document).

Communication with Tenants

- Provide frequent and timely communications with your tenant representatives and ensure their senior leadership's buy-in to reduce confusion, help prevent further spread of the infection, and provide a safe building environment.
- Be prepared for re-entry well before the tenants' re-occupancy dates.
- Ensure you are constantly communicating with tenants about building updates and changes and tenants are communicating with you about their plans prior to re-entry.
- Hold a virtual pre-opening meeting with tenants. Convey any new policies or procedures the building will be implementing, how you will communicate with tenants about any changes in building procedures, and proper protocol for reporting a positive COVID-19 case. Communicate any new policies for entry/exit, common areas, elevator usage, amenity spaces, parking, and deliveries. Ask tenants to share their re-entry plans so that building staff may help make the process as smooth and safe as possible.
- Clearly communicate tenants' responsibilities and obligations within their suites/workspaces for decisions about social distancing, use of PPE, work hours, health monitoring/temperature taking, and other health and safety procedures in the workplace. Employers are responsible for providing a healthy work environment for their employees.
- Communicate what notification and cleaning procedures and steps will be taken if a positive COVID-19 case is detected. Talk with tenants about their financial responsibility for cleaning and disinfecting procedures in their space that may be outside normal or typical cleaning requirements.
- Request that tenants notify building management if a positive case or suspected case of COVID is reported, in accordance with local or state public health department requirements.
- Ask tenants to remove personal items and plants from tenant spaces, especially if the tenant space will remain empty or nearly empty for an extended period. Offer assistance where appropriate and approved by the tenant.
- Ask tenants about any challenges they may be facing. Do their employees have any concerns? What are their priorities as they return to work? How can property management continue to be an effective partner?
- Refer to BOMA International's COVID-19 Tenant FAQ for sample responses to tough tenant questions.

Risk Management and Insurance

- Meet with your owner's risk manager and insurance broker to review policies and coverage and assess new liability risks resulting from COVID-19. Review all preventative steps you have taken and plan to take to keep your staff, tenants, and buildings safe.
- To ensure that building personnel and other building occupants are following the new building standards over the long term, owners and managers should consider documenting spot checks or audits that demonstrate compliance with the new standards of care in security, disinfecting, and management programs.
- Document new, above-standard operational tasks that have been implemented as a result of the pandemic. Documentation may include recurring work orders or preventive maintenance tasks for water flushing and coil cleaning.
- Verify all procedures for making and filing claims, including required forms, deadlines, and backup materials.
- Keep an accurate record of any potential income losses that may be covered and any expenses related to mitigating potential claims for an insured loss.
- Identify the appropriate contact in the insurance broker's or carrier's office who handles any claims against the building made by contractors or tenants on losses resulting from force majeure or business interruption.
- Talk to your risk manager and insurance broker about liability exposure in the event a tenant does not follow safety protocols; understand tenant vs. landlord responsibilities.

Legal Considerations: Liability, Responsibilities, Contracts, Leases, and Staff

- If the building manager or property owner becomes aware an individual who tested positive for COVID-19 was at the premises (whether its own employees, tenants, or visitors), there may be a duty to notify other tenants, employees, and vendors and/or prevent access to certain areas in the building. The standard of care in reporting must be consistent with local requirements. However, be sure to protect the identity of the infected person and his/her employer; BOMA suggests you announce only the floor or area of the building where that person worked or visited.
- Templates and verbiage for written notifications should be approved in advance by legal counsel.

- Identify all contracts for construction or other services that were in effect or in final negotiations prior to stay-at-home mandates. Determine which contracts should be amended, canceled, or delayed and discuss force majeure and other legal exposures and remedies with legal counsel.
- Review and consider revising leases to include new and additional tenant insurance requirements, protection of landlord from rent abatement and loss-of-use claims, and hold harmless protection.
- Owners, managers, and legal counsel should work together to develop criteria for responding to tenant requests for rent or lease term adjustments. The same team should advise regarding the owner's obligations to its lenders and their requirements for late payments or adjustments.
- Significant vacancy levels and other factors related to the pandemic have had unintended consequences for operating expense (OpEx) calculations and reconciliations. BOMA International and InspiRE Commercial Real Estate Services have partnered to create a resource to help navigate the new uncertainties in this area. "The Impact of COVID-19 on Operating Expense Pass-Throughs in Commercial Real Estate" provides guidance on steps to take now to ensure a smooth transition into 2021. See resource listing for link to access this publication.
- Ensure you understand and follow employment-related laws and regulations before implementing new staffing-related rules, procedures, work requirements, hours/shifts, and other new requirements and protocols. These include: OSHA; EEOC; NLRA; state and local orders about essential businesses; return-to-work; masks/face coverings/PPE; ADA and state and local anti-discrimination laws; state and local sick leave and COVID-specific leave and protection laws; obligations under CARES Act/PPE; national origin discrimination laws; and federal and state laws regarding potential harassment or discrimination of employees with Asian ancestry.

Resources

- **American Industrial Hygiene Association (AIHA)**
  www.aiha.org

- **American Society of Heating, Refrigerating, and Air-Conditioning Engineers**
  www.ashrae.org/technical-resources/resources

- **BOMA International**
  www.boma.org/coronavirus

  COVID-19: Preparing for Emergency Evacuations

  Managing through Pandemics: Preparing Your Buildings, Tenants and Staff

  The Impact of COVID-19 on Operating Expense Pass-Throughs in Commercial Real Estate

- **Centers for Disease Control**
  www.cdc.gov/coronavirus

- **Coronavirus (COVID-19) Resource Center**
  www.coronavirus.gov

- **Equal Employment Opportunity Commission**
  www.eeoc.gov

- **Environmental Protection Agency**
  List N: Disinfectants for Coronavirus (COVID-19)

- **Federal Emergency Management Agency**
  www.fema.gov/coronavirus

- **Fitwel**
  www.fitwel.org

- **International Codes Council**
  www.iccsafe.org

- **International Well Building Institute**
  www.wellcertified.com

- **Occupational Safety & Health Administration**
  www.osha.gov/coronavirus

- **Underwriters Laboratory**
  www.ul.org

- **US Green Building Council**
  www.usgbc.org

- **White House**
  www.whitehouse.gov/openingamerica

- **World Health Organization**
  www.who.int/coronavirus