

Best Practices for Market-Rate Residential Buildings During New York Forward

During the Coronavirus (COVID-19) Crisis

This document is being issued by the Real Estate Board of New York (REBNY), 32BJ SEIU and Realty Advisory Board on Labor Relations, Inc. (RAB) to ensure safety in market-rate residential buildings as New York City begins New York Forward.

This document identifies a set of practices owners and managers of market-rate residential buildings including multifamily rentals, cooperatives, and condominiums in New York City should consider adopting to help protect the health and safety of residents, staff and visitors as New York City begins to resume greater professional and social activities. Where applicable to a building's unique characteristics, the practices contained in this document are designed to provide multiple layers of protection to the public and are informed by the guidance issued by public health authorities, including the Centers for Disease Control and Prevention (CDC) and the [New York State Health Department](#) and [New York City Health Department](#). These practices are consistent with requirements set forth in [New York's Interim Guidance for Real Estate Services During the COVID-19 Public Health Emergency](#) ("interim guidance"). The interim guidance establishes minimum standards that residential property management entities – including those deemed “essential” and those not essential – must follow during the COVID-19 public health emergency until rescinded or amended by the State. Residential property management entities must read and comply with the interim guidance and submit a [business attestation form](#) to the State. In addition, each business must complete a site safety plan either using [the NY State template](#) or by developing its own. Though the plan does not have to be submitted, it must be completed, posted on site and made available for review should a representative of a public authority request it.

This document will be updated as warranted to reflect any new requirements and guidance issued by governmental and public health authorities. Owners and managers should always confirm building operating procedures are compliant with latest government regulations.

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This guidance is structured as follows:

I. Alterations

II. Amenities

III. Building Systems and Maintenance

IV. Building Operations Protocols

V. Labor/Building Personnel

VI. Leasing and Viewings

ALTERATIONS

New York State has issued guidance in the form of [Interim Guidance for Construction Activities during the COVID-19 Public Health Emergency](#) and has also provided a [summarized overview](#) for resuming construction activities during the COVID-19 emergency. These requirements apply to construction work on residential buildings. Property owners and managers should review and comply with the guidance for any construction project occurring at the building.

Affirmation Requirement

- Prior to beginning work, all businesses providing alteration services, including vendors, contractors, architects, decorators and service repair personnel, will need to have read and affirmed their obligations under the State's interim guidance for construction activities. Properties could consider asking these businesses to provide proof that they have completed the required affirmation on the New York State website.
- [NYC Department of Buildings \(DOB\)](#) requires all construction projects operating during Phase One of reopening to post the affirmation on the jobsite.

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Safety Plan

- Building owners and managers should confirm with contractors that they have created the site safety plan in accordance with the interim guidance for construction activities.
- For construction and renovations, [NY State and NYC require](#) the site safety plan be posted onsite in a conspicuous location.

Health Practices Onsite

- NYC DOB requires that a [communication plan](#) for employees, visitors and clients, which should be completed as part of the NY State required site safety plan, be available on site for any construction or renovation work performed during the COVID-19 emergency.
- Construction sites should ensure adherence to [New York State's Interim Guidance for Construction Activities during the COVID-19 Public Health Emergency](#). Property owners and managers should note that these guidelines are the minimum requirements that must be followed.
- [Per NY State guidance](#), for any work occurring indoors, owners and property managers must ensure that the workforce present in any particular area is no more than one worker per 250 square feet unless additional PPE measures are implemented.
- As the interim guidance from construction activities sets a minimum standard, buildings should strongly consider establishing a policy that all workers wear appropriate face coverings while in the building at all times.
- [The interim guidance for construction](#) activities requires that employees undergo daily health screenings. Please see "Daily Health Screenings" in the Labor/Building Personnel" section of this document for procedural information, but owners and property managers should coordinate with the contractor to ensure all workers entering the building have undergone the required daily health screening. Property managers should be aware that the interim guidance exempts only building residents from the daily health screening requirement.
- DOB requires that a [cleaning and disinfectant log](#) be kept on site. Reference the hygiene and cleaning section of this document for information about cleaning practices.

AMENITIES

The interim guidance requires that any non-essential enclosed common space remain closed until further guidance is issued. Though non-essential has yet to be defined, the State provided "game rooms" as an example and gyms are not currently allowed to be open, including those located in a residential building.

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All amenity spaces will need to be adapted to follow public health guidance from organizations including the [CDC](#) and [NYC Department of Health and Mental Hygiene \(DOHMH\)](#) and comply with any orders promulgated by local, state or federal authorities. The interim guidance states that residential properties should consider closing any common indoor or outdoor seating areas and to the extent that such spaces remain open, seating areas must be modified to ensure that social distancing is maintained. Where applicable, owners and managers should train building staff on all updated protocols, ensure amenity spaces are appropriately supervised and effectively communicate the changes to residents in advance of their effective dates.

While adapting to the unique conditions of each space provided in the building, outdoor and essential indoor amenity operations should be adjusted to reduce density, allow for cleaning and disinfecting (following [CDC](#) and [DOHMH](#) cleaning practices using [EPA approved disinfectant products](#)), support social distancing and ensure safe operations. If any non-essential amenities, such as communal coffee or vending machines, remain open, the interim guidance requires hand sanitizer or disinfecting wipes be made available nearby.

The following specific measures should be considered for the particular amenity facilities in the building:

Gyms, Fitness Centers and Fitness Studios

- Gyms and fitness centers are allowed to reopen as of September 2, 2020 provided that they are able to comply with [State](#) and [City](#) requirements.
- Group fitness classes are not currently allowed to take place in New York City.
- In addition to the physical requirements for the space, property managers must submit [a business affirmation form](#) and include of the gym facility in the property's site safety plan.
- Prior to reopening, the facility must submit an [inspection request for to the City Health Department](#). Though the facility may reopen before the inspection, the continued operation of the facility is subject to the result of the inspection, which the Department will get in touch to schedule within two weeks of submitting the request.

Outdoor Pools

- New York State permitted the reopening of outdoor pools provided the operators follow [State](#) and local guidance.
- Per New York [DOHMH's interim guidance](#) for reopening outdoor pools, any facilities reopening should email PHE@health.nyc.gov including the name of the facility, the reopening date and the permit/Accela number in the subject line.

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- Consistent with interim guidance and supported by the [CDC](#), buildings must ensure social distancing is maintained in the pool area, which includes spacing out furniture at least 6 feet apart and could also include revised capacity limits.
- Ensure proper maintenance, operation and disinfection of pools, using chlorine or bromine, which, according to the [CDC](#), should kill COVID-19.
- Buildings should also consider hygiene practices in the pool area, such as increased cleaning with [EPA approved disinfectant products](#) and making hand cleaning stations readily available.
- Lifeguards should monitor and maintain proper chemical levels in the pool.
- Consider discontinuing towel services where utilized.

BBQs/Communal Kitchens

- [New York State guidance](#) encourages owners and managers to prohibit the use of shared food and beverage amenities. If outdoor communal services, such as grills, are opened, owner and managers should configure equipment to ensure social distancing as well as provide appropriate cleaning and disinfecting supplies nearby.

Entertainment Centers/Movie Theaters

- Entertainment centers and movie theaters are non-essential common areas and therefore should remain closed until allowed to reopen as per New York's Regional Guidelines for Re-Opening.

Outdoor Amenity Spaces

- NY State guidance suggests owners and managers consider closings outdoor seating areas.
- If buildings choose to allow residents to access outdoor space, buildings should comply with the requirements of the interim guidance by establishing capacity limits and spacing out furniture at least 6 feet apart.
- Buildings should also enhance hygiene practices in outdoor amenity space, such as increased cleaning with [EPA approved disinfectant products](#) and making hand cleaning stations readily available.

Children's Playrooms

- Children's playrooms are non-essential common areas and therefore should remain closed until allowed to reopen as per New York's Regional Guidelines for Re-Opening.

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Laundry Rooms

- Buildings should consider ways to maintain social distancing according to [CDC guidance](#), such as establishing capacity limits. Laundry rooms should be considered high-touch areas, subject to increased cleaning with [EPA approved disinfectant products](#), and hand cleaning stations should be made readily available.
- To ensure social distancing, buildings should designate certain times for routine cleaning, in which only building staff responsible for cleaning are to enter the laundry room.

Employee Locker and Break Rooms

- Buildings should ensure cleaning and disinfecting of locker rooms used by employees for changing into uniforms and develop protocols for use with employees to ensure social distancing is maintained in locker rooms.
- Buildings should develop protocols to ensure social distancing is maintained in break and lunchrooms used by building employees and that these spaces are routinely cleaned and disinfected.
- Per the interim guidance, owners and managers must prohibit shared food and beverages among employees, including self-serve meals and beverages, as well as encourage employees to bring lunch from home.

Where social distancing in locker rooms and break rooms is not possible, the interim guidance requires owners and managers provide face coverings or install physical barriers, such as plastic shielding, consistent with [OSHA guidelines](#) and where they would not impede airflow.

Meeting Spaces and Community Rooms

- As required by the interim guidance, owners and managers must limit employee social gatherings and meetings in confined spaces and consider using teleconferencing or video calls whenever possible. If remote meetings are not possible, ensure social distancing is maintained according to [CDC guidance](#), such as establishing capacity limits and spacing out furniture at least 6 feet apart.
- Per [NY State reopening guidelines](#), buildings should at a minimum increase cleaning with [EPA approved disinfectant products on high-touch surfaces](#) and make hand cleaning stations readily available. See "Hygiene and Cleaning" section in this document for further information.

Restaurants and Private Club Facilities

- Private club facilities are generally non-essential common areas and should remain closed until allowed to reopen as per New York's Regional Guidelines for Re-Opening. Where there are restaurants for building residents located in those private club facilities, the restaurant should adhere to [New York State guidance for restaurants](#).

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BUILDING SYSTEMS AND MAINTENANCE

Residential buildings will need to develop procedures to keep workspaces and the building safe for employees, residents and visitors. To align with guidance from public health entities, building systems may need to be amended from their normal operations. Additionally, owners and managers should develop protocols for any related outside vendors conducting maintenance or certification of the building. To that end, where applicable, owners and managers should consider the following:

Building Systems

- Buildings should review all systems with their engineer, HVAC consultant or trusted HVAC service vendor. While controlled access, separation and cleaning represent primary defenses against the spread of the virus, protection may be applied to existing and new HVAC systems to minimize future spreading of the virus in buildings. Buildings should review evolving guidance from ASHRAE, CDC and other public health and professional organizations to follow recommended practices. Guidance to consult includes:
 - [American Society for Heating, Refrigerating, and Air-conditioning Engineers Position Statements](#)
 - [American Society for Heating, Refrigerating, and Air-conditioning Engineers Frequently Asked Questions](#)
 - [National Air Filtration Association](#)
 - [The Center for Disease Control \(CDC\)](#)
 - [Federation of European Heating, Ventilation and Air Conditioning Associations](#)

Building Maintenance

- Buildings should ensure that construction vendors and contractors comply with the requirements and guidance issued by New York State. Please refer to “Alterations” section in this document for further details for construction projects.
- Buildings should ensure that vendors and contractors are aware of and adhere to any requirements the building establishes concerning the use of personal protection equipment (PPE) and any other access protocols.
- The interim guidance requires that all contractors and vendors working in an enclosed space should maintain a maximum of 50% occupancy of that particular space.
- As per [NY State guidelines](#) for reopening, buildings should determine if they wish building employees to take the temperature of any outside vendor’s employees or require the vendor to do such screening and document proof of conducting a daily health check for that vendor’s employees. Where building staff do such screening, those workers should have appropriate training and be provided with the personal protective equipment required to safely carry out this task as recommended by the [CDC](#).

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- The [NY State reopening guidance](#) requires that visitors, vendors and contractors undergo daily health screenings. Please see "Daily Health Screenings" in the Labor/Building Personnel section of this document for procedural information, but owners and property managers should ensure all visitors, vendors and contractors entering the building have undergone the required daily health screening. Property managers should be aware that the [interim guidance](#) for health screenings only applies to building employees and visitors of the property management entity not to residents' visitors.
- Building service workers should be instructed to enter a residence only in the case of an emergency, such as a gas or water leak. If workers must enter a residence during this time, encourage workers to always maintain a distance of at least 6 feet from all individuals in the residence. Workers should be provided with and wear appropriate personal protective equipment while performing work in the residence. Building staff should wash their hands for 20 seconds with soap and water before and after the apartment visit.

BUILDING OPERATIONS PROTOCOLS

While adapting to the uniqueness of each building, owners and managers will need to modify operations of the building. The following operational reforms should be considered:

Building Entrances and Exits

- Building entrance and exit protocols should be reformed to ensure social distance is maintained. Doing so could take a variety of forms including but not limited to:
 - Retrofitting doors with automatic wireless button click door openers to facilitate contactless entry and exit of buildings.
 - Designating entrance and exist for residents and customers, separate from those for employees, as recommended by the interim guidance.
 - Instructing doorpersons to use automatic buttons to open the doors to the building.
 - Encouraging residents to open doors for themselves.
 - Propping open doors using door stoppers, weather and other conditions permitting.
- Using the [Environmental Protection Agency's suggested disinfectants](#), doorpersons should regularly disinfect the handles to the doors after use.

Communication and Signage

Buildings should effectively communicate protocol changes to tenants. The interim guidance requires that buildings post appropriate signs describing new practices, physical designations and health guidelines throughout the building. Signs should be consistent with [DOH guidance](#) and should remind residents and employees to:

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- Cover nose and mouth with a mask or face covering when six feet of social distance cannot be maintained.
- Properly store and, when necessary, discard PPE.
- Adhere to physical distancing instructions.
- Report symptoms of or exposure to COVID-19, and how to do so.
- Follow hand hygiene and cleaning/disinfection guidelines.
- Follow appropriate respiratory hygiene and cough etiquette.

Available signs from the [CDC](#) include:

- [How to Protect Yourself and Others](#)
- [Stop the Spread of Germs](#)
- [Wash Your Hands](#)
- [What You Should Know About COVID to Protect Yourself and Others](#)
- [Important Information About Your Cloth Face Covering](#)

Elevators and Stairwells

- The interim guidance requires that elevator capacity be limited to 50% of maximum capacity, and those using the facilities should be wearing face coverings. If individuals are not wearing face coverings, elevators and other small, confined spaces should limit occupancy to one.
- To the greatest extent possible, increase the ventilation in elevators with outside air.
- Based on the space available in the building, consider using markers for places to queue for elevators in the lobby.
- Where elevator operators are required, consider using tape or other designations on the floor around the elevator operator indicating the area around the elevator operator in which other individuals may not stand.
- Elevator operators should be provided with appropriate personal protective equipment.
- Consider disinfecting the elevator cab more than once a day with [products approved by the EPA](#).
- Where determined appropriate by the property owner, property managers should allow tenants to safely use stairs and install signage to inform tenants that they may use stairs. Where stairs are utilized, the flow of persons should be controlled to ensure social distance is maintained and stair usage should be supervised. Consistent with [the Governor's Executive Order 202.17 that requires the use of face coverings in public](#), face coverings should be worn in stairwells at all times.

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Face Coverings

- [NY State reopening](#) guidelines require owners and property managers to provide PPE, including face coverings, to all employees at no cost. Though employers cannot require employees to supply their own face covering, the State guidance does not preclude employees from using their own face coverings nor additional protective coverings (e.g. surgical masks, N95 respirators or face shields). Employers should comply with all applicable OSHA standards where more protective PPE is required due to the nature of employees' work.
- The interim guidance and [Executive Order](#) require that face coverings be used in situations where 6 feet social distancing cannot be maintained. As the interim guidance establishes minimum standards, buildings should strongly consider requiring all persons to wear appropriate face coverings in common areas of the building. [Executive Order 202.34](#) allows buildings to deny entry to persons not wearing a face covering.
- The interim guidance requires owners and managers to, at minimum, remind residents and customers to wear face covering in common spaces when social distancing is not possible.
- New York City Health Department [guidance](#) indicates that reasonable accommodations should be considered where persons, including employees, are not medically able to wear a face covering.
- Public health guidance states that all PPE, including face coverings, can be disposed of in regular trash. [New York City Health Department](#) guidance provides safe steps for removal and asks to be disposed with normal rubbish.

Guest and Visitor Access

- Buildings should consider relevant access rules for housekeepers, nannies and dog walkers to enter the building.
- According to [NY State guidelines](#), owners and property managers must advise any essential visitors and vendors to wear face coverings in common areas including elevators and lobbies, and when traveling around the building.
- Buildings should consider keeping a list of essential visitors, such as contractors or other vendors, as well as prohibiting non-essential visitors from entering the building.
- [NY State guidelines](#) requires that all visitors should undergo health screening before entering the building.

Hygiene and Cleaning

- The interim guidance requires buildings follow hygiene, cleaning and disinfection requirements from the [CDC](#) and [Department of Health \(DOH\)](#) and maintain cleaning logs on site that document date, time and scope of cleaning.

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- The interim guidance requires owners and managers to make handwashing stations and hand sanitizer widely available in common spaces, including but not limited to entrances and exits, security and concierge desks, elevators and lobbies.
- The [CDC](#) has identified that the frequent cleaning of hands can help reduce the spread of COVID-19. Buildings should make best efforts to ensure hand cleaning stations are available throughout the public areas of the building.
 - Where hand cleaning stations with water are used, soap and paper towels should be provided as well as touch-free trash cans for paper towels.
 - Where hand sanitizer is made available, it should be at least [60 percent alcohol](#), consistent [with CDC guidance](#).
- The interim guidance requires owners and property managers supply appropriate cleaning supplies and regularly disinfect for high touch surfaces and restrooms.
- The interim guidance states owners and property managers need to ensure there are adequate receptacles in common spaces for soiled items, including PPE.

Lobby Operations

- The interim guidance suggests buildings consider measures to control the flow of foot traffic and circulation of people through the lobby, which may include floor markers or other signage.

Moving and Returns

- Buildings should consider policies to safely enable residents to move in and out of a building, which could include limiting moves to one at a time, provided that moves not be prohibited.
- Residents returning from trips with a large amount of baggage and packages could be asked to not do so during rush hours during the week (i.e., 7 a.m. – 9 a.m. and 5 p.m. – 7 p.m. Monday through Friday).

Package Operation

- The [interim guidance requires](#) owners and property managers designate areas for pickups and deliveries.
- Package operations should be reformed to maintain social distancing, which could include separating package attendants from residents through the use of plexiglass shields or delivery tables and/or coordinating the delivery of the package to the tenants' doors.

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Security/Concierge Operations

- Security/concierge operations should be redesigned to ensure social distancing is maintained, which could include the use of markers to designate places where visitors should wait to be checked in.
- The [interim guidance for residential buildings](#) suggests rearranging employee work stations to ensure six feet social distancing in all directions. When distancing is not possible, property managers should provide face covers or a physical barrier such as plastic shielding.
- Security officers performing patrols should be provided with appropriate training on social distancing protocols and with appropriate personal protective equipment.

Public Spaces + POPS

- Mayoral [Executive Order 128](#) provides temporary relief from certain provisions of the zoning resolution relating to POPS and waterfront public access areas. Owners and managers should consult [City Planning guidance](#) about this Order.
- Property owners should be aware that the New York City Department of Buildings has not suspended POPS enforcement at this time.

LABOR/BUILDING PERSONNEL

As employers, building owners and managers will need to prepare their own workforce for any changes in building policies. Owners and managers should consider the following issues as they update policies:

Daily Health Screenings

- Owners and property managers must implement daily health screening for employees and visitors, in accordance with [the interim guidance](#).
 - At a minimum, screening must be required of all employees and visitors and completed using a questionnaire that determines whether the employee or visitor has:
 - 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;
 - Tested positive for COVID-19 in the past 14 days; or
 - Experienced any symptoms of COVID-19 in the past 14 days.
 - To the greatest extent possible, health screens should be done remotely via telephone or by electronic survey.
 - Screenings can occur on-site but should be done in an isolated location and performed prior to permitting access to the rest of the building.

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- Employees conducting screening should be provided and use PPE, including a face mask at a minimum and may include gloves, a gown and/or a face shield.
- In addition to the questionnaire, temperature checks may also be conducted. Responsible parties are prohibited from keeping records of employee health data.
- Per [NY State Executive Order](#), owners and property managers are permitted to require a temperature check before entering the building and may deny entry to individuals who refuse the check or have a temperature that is 100.4° F or above.
- The [CDC](#) offers further details of how to conduct temperature screenings safely.
- Per the interim guidance, owners and managers must require employees to immediately disclose if and when their responses to any of the questions change, such as they begin to experience symptoms both during or outside of work hours.
- The New York City Health Department has provided a [model screening form](#) and [model log](#) along with practices to follow when conducting daily health screenings.
- Daily health screenings are not permitted for residents, though property managers should encourage residents to report if they have tested positive.
- Health screenings should be recorded and maintained in a log, and there should be a central point of contact established for receiving and reviewing the questionnaires.
- While owners and managers are prohibited from maintaining individual health information, such as temperature data, the interim guidance permits the maintaining of records that individuals were screened and the result of that screening.
- According to the interim guidance, individuals who screen positive must not be allowed to enter the building. The individuals should be sent home with instructions to contact their healthcare providers.
- If a building employee tests positive for COVID-19, employers should immediately notify co-workers who had close contact with the individual, while maintaining confidentiality required by state and federal law and regulations. In addition, the employer is required by the interim guidance to report the positive case to local health authorities. Employers can email the NYC Test and Trace Corps at CovidEmployerReport@nychhc.org.
- NYC Test and Trace Corps will contact individuals who have tested positive for COVID-19 and require them to isolate at home. [NYC DOHMH](#) suggests employees contact their employer to inform them of the isolation period.
- For further guidance related to health screening, owners and managers should refer to [the interim guidance](#).

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Contact Tracing

- As discussed by the [CDC](#), contact tracing can be an effective way to mitigate the spread of COVID-19. While employers generally are not allowed to inquire about employee health information, the [EEOC](#) has stated that for the duration of the COVID-19 crisis, employers may ask employees who report feeling ill at work, or who call in sick, questions about their symptoms to determine (via a test) if they have or may have COVID-19. Contact tracing programs that will inform individuals if they have had contact with someone who has tested positive for COVID-19 have been developed both by [New York State](#) and [New York City](#) Health Departments. Property managers should follow the protocols developed by this program to ensure that residents and building service workers are informed of potential exposure to COVID-19.
- If an employer becomes aware that an employee tests positive for COVID-19, the interim guidance requires the employer to report the case to public health authorities. If they wish, employers can additionally report directly to NYC Test and Trace Corps at CovidEmployerReport@nychhc.org. NYC Test and Trace Corps will attempt to interview all individuals who have tested positive for COVID-19 and those who have had close contact with those who have tested positive.
- If a person concerned that they were exposed to a case but the person has not been contacted by the NYC Test and Trace Corps, the person can speak to their health care provider to discuss COVID-19 testing options or visit the [City's contract tracing website](#).
- [New York State guidelines](#) suggest, to the extent possible, property managers should maintain a log listing when employees and visitors have come in contact with others in a worksite or area. The log does not need to record any contactless deliveries or deliveries made with proper PPE. The log should contain contact information, such that all contacts may be identified, traced and notified in the event an employee is diagnosed with COVID-19.

Revise Policies and Procedures

- Every employer has an obligation under the Occupational Safety and Health Act General Duty Clause to provide a reasonably safe workplace. Under the threat of COVID-19, this duty requires employers to provide personal protective equipment (PPE) sufficient to prevent occupational exposure to the disease. The interim guidance requires owners and managers to provide PPE at no cost to the employee. PPE that may be required include eye and face protection and masks and/or respirator masks. Though [NYC DOHMH](#) does not recommend gloves for all staff, they may be necessary depending on the potential hazards to which employees may be exposed, which could result from cleaning chemicals used or persons suspected or confirmed to have COVID-19. Consistent with the [Governor's Executive Order 202.17](#) that requires the use of face coverings in public, building service workers should be provided with face coverings and hand coverings where necessary. Face coverings have been recommended by the [CDC](#), [New York State Health Department](#) and [New York City Health Department](#). Employers should also provide their employees with regular opportunities to clean their hands.

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- Individuals should be permitted to bring their own PPE if it meets CDC requirements, but they cannot be mandated to supply their own PPE. To limit density, property managers should stagger schedules for employees, reduce in-person staffing levels to that which is essential and adjust work hours.
- If necessary, property managers should revise timekeeping procedures to eliminate the use of handprint and other touch devices. Where such devices must be used, disinfection supplies should be provided in the proximity of the device.
- Ensure security guards have their licenses up to date.
- Tasks and protocols not previously required to be carried out will need to be delegated and workers will need to be trained to effectively carry out those requirements.
- Ensure that building service workers are trained on the use of PPE, proper cleaning and disinfection (including the appropriate chemicals for cleaning and disinfecting and the potential hazards associated with such chemicals), and the building's individual safety plan.

Considerations for a Unionized Work Environment

- Employers should be aware of the special considerations governing the employment of a unionized workforce as building owners and managers plan for reentry of buildings. Careful attention should be paid to the collective bargaining agreements covering the terms and conditions of employment for building employees, as well as to any memoranda of agreement or other interim agreements. These agreements may impact how owners and managers return building employees to work, test their employees for infection or immunity, schedule shifts of work and otherwise interact with their unionized building service employees. Rules governing building service employment can be complex and failure to abide by the terms of agreements can result in unnecessary grievances, charges of unfair labor practices, or even litigation. Questions regarding unionized workforces and agreements governing their employment should be addressed to legal counsel or to the [Realty Advisory Board](#).

Leave and Anti-Discrimination Laws

- Employers should be aware of the various federal, state and local laws governing protected leave of absence from employment and employment of members of protected categories. The Family and Medical Leave Act, New York Paid Family Leave, New York City Earned Safe and Sick Time Act, and newly enacted expansions and additions to these laws greatly expand the rights of employees to request and receive protected time away from work. Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, as well as the New York State and City Human Rights Laws protect employees against adverse employment actions based upon an employee's membership in a protected category (e.g., being disabled, being older, or being a certain race, religion, and gender). Any adverse employment actions taken, even with an intention to protect at risk populations, should be neutral in its intent and in its impact upon the workforce.

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- Employers should ensure employees are educated about paid leave opportunities. The [U.S. Department of Labor's poster](#) about paid sick leave under the FFCRA, as well as all notices required under federal, state and local law should be posted at the workplace.

LEASING AND SHOWINGS

Buildings will need to establish protocols to ensure that units can be sold or rented, which includes safely allowing units to be toured by potential buyers/renters. The following measures can help such activity occur:

Tours, Showings and Open Houses

- Showings/open houses are only permitted in unoccupied or vacant properties, meaning the seller/occupant is not present.
- All showings/open houses should be conducted by appointment only and in advance whenever possible. Stagger appointments to leave time for appropriate cleaning.
- Face coverings are always required by all parties.
- Consumers will be asked to touch only essential surfaces (handrails, etc.). Agents/brokers are responsible for disinfecting high-touch surfaces between showings.
- Agents/brokers are encouraged not to show amenity spaces in person.
- Agents/brokers are encouraged to show only one party inside a property at a time while maintaining six feet social distance at all times and utilizing face coverings.
- Agents/brokers should open windows whenever possible to introduce fresh, outside air.
- Consumers are encouraged not to bring children or extra guests to showings.
- Remote walk-throughs are encouraged whenever possible.

Lease Signings

To the extent possible, there should be universal adoption of electronic lease preparation in order to support validity of electronic signatures and limit unnecessary exposure at in-person lease signings. Supporting software includes DocuSign, SignX, Adobe EchoSign, and various other comparable platforms.

Keys to the unit must be thoroughly sanitized with [EPA-approved disinfectant or wipes](#) prior to transferring to the Agent or new tenant.

- In-person signing appointments should maintain at least six feet social distance at all times, with options for virtual attendance if applicable. If a lease signing must be done in-person, appointments should also utilize large open areas, conference rooms, etc. to maintain at least six feet social distance at all times.

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- All parties must wear appropriate face coverings during any in-person meetings occurring as part of a lease signing. This expectation must be established ahead of time via email agreement. Should any party arrive without an appropriate face covering, any party may reschedule the appointment without prejudice or penalty upon any indication of fever or other illness.
- When possible, funds should be transferred electronically upon lease signing. Hand to hand exchanges of funds should utilize envelopes or other containers of the recipients' choosing.

Closings

There are and will continue to be challenges when conducting closings within the current Coronavirus (COVID-19) environment. While closings are occurring, it is important to note two key issues which limit the ability to conduct closings in a more "virtual" manner.

Specifically: (1) Many documents (i.e. documents that need to be recorded, such as deeds or mortgages, and co-op documents, such as stocks and leases) must contain "wet" signatures (or original signatures); and (2) Residential lenders require loan documents to be signed and dated by the borrower the day of closing. Accordingly, most closings still require a certain amount of in-person contact. Should the attorneys and appropriate parties need to close a transaction in person, the following should apply:

- A hybrid model of the "Escrow Closing" should be utilized. Documents and collateral can be delivered to the attorneys involved in the transaction or a third-party escrow company prior to the closing.
- In-person closings should be limited to only essential parties. Real estate brokers or agents, mortgage bankers, mortgage brokers, principals and family members should not attend closings.
- All parties must wear appropriate face coverings during any in-person meetings occurring as part of a closing. This expectation must be established ahead of time via email agreement. Should any party arrive without an appropriate face covering, any party may reschedule the appointment without prejudice or penalty upon any indication of fever or other illness.
- To conduct as much activity as possible without in-person contact, and as it pertains to closing on co-ops or condos, documents and collateral can be delivered to the attorneys involved in the transaction or a third-party escrow company prior to the closing.
- Keys to the unit must be thoroughly sanitized with [EPA-approved disinfectant or wipes](#) prior to transferring to the new owner/shareholder.

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