

Checklist for Commercial Landlords & Tenants



General Considerations

Public authorities have not yet published new requirements for commercial landlords and tenants to consider when determining how and when to reopen commercial buildings during the COVID-19 pandemic. Landlords and tenants may wish, however, to preemptively implement changes for the safety of their employees, customers, and visitors. Some key considerations for landlords and tenants are summarized below.

When implementing any such changes, landlords and tenants should note that commercial leases typically provide landlords with the right to impose, and change from time to time, rules and regulations regarding the common areas of the building or center in which their tenants operate. With respect to COVID-19, this would allow landlords to implement rules such as the number of people allowed in an elevator or lobby at one time. Such rules and regulations should be imposed uniformly against all tenants, and should be communicated clearly, in writing, in advance of implementation. Additionally, before making any changes, tenants should review their leases to determine what is and is not allowed without the approval of the landlord.

- ❑ **Reconfiguration of Space Layout:** Both landlords and tenants should review the layout of spaces and determine whether they might need to be reconfigured to allow for safe distances between and among employees, customers, and visitors.
- ❑ **Ventilation Systems:** Landlords and tenants should evaluate heating, ventilating, and air conditioning systems to determine whether any changes can be made to reduce airborne exposure to COVID-19.
- ❑ **Thorough Cleanings:** Landlords and tenants should arrange for a thorough cleaning of all spaces before reopening and should implement regular, enhanced cleaning going forward.
- ❑ **Provision of PPE:** Landlords and tenants should discuss whether personal protective equipment (“PPE”) will be provided to or required by employees, customers, and/or visitors to buildings.
- ❑ **Staggering Work Schedules:** Landlords and tenants should consider whether work schedules of employees should be staggered to reduce possible exposure to COVID-19.
- ❑ **Insurance:** Landlords and tenants should contact insurance agents to discuss the adequacy of existing liability insurance coverage.
- ❑ **Changes Pursuant to CDC and OSHA Guidance:** Landlords and tenants should review and implement any necessary changes pursuant to [CDC Interim Guidance for Businesses and Employers](#) and the [OSHA Guidance on Preparing Workplaces for COVID-19](#) to reduce transmission among employees, maintain healthy business operations, and maintain a healthy work environment. Landlords and tenants should regularly review applicable guidance for updates.

Construction Considerations

The construction industry is an essential business in many states and many construction projects have remained open and working during the COVID-19 pandemic. In order to keep working, contractors have had to comply with stringent workplace guidelines that go well beyond the recommendations recently issued by the CDC and OSHA. Massachusetts has issued [state guidelines](#) applicable to all public construction projects and has [strongly recommended](#) that these guidelines should apply to all construction

projects, not just public work. Private construction is regulated by local town city authorities, which may issue even more stringent guidelines than those issued by the Commonwealth. It is therefore recommended that all construction projects should comply with the state guidelines as a minimum baseline. Commercial landlords considering continuing or starting new construction projects should regularly review state and local town guidelines for updates.

The guidelines that contractors should currently follow include:

- Mandatory training and education regarding COVID-19 policies;
- Zero tolerance for sick workers at the worksite;
- Medical professional sign off before COVID-19 positive workers can return to the worksite;
- Mandatory social distancing;
- Prohibiting carpooling to the worksite;
- Stringent cleaning and sanitizing procedures (including sanitizing common areas and lavatory facilities PORTOPOTTIES);
- Mandatory PPE; and
- Written verification to public officials regarding compliance with COVID-19 safety regulations.

Who Will Regulate??

Commercial real estate businesses should also consider guidelines and regulations applicable to employers when implementing strategies to reopen their businesses. Pioneer Institute and Verrill have compiled a [checklist for employers](#) key considerations when reopening during the COVID-19 pandemic.

