

# Webinar Q&A:

## Best Practices & Procedures for Reopening Your Building

**Q: How do you plan to manage contracted times and liquidated damages for contracts already in process?**

A: We recommend reviewing the contract with your building counsel.

**Q: Which of the four phases of reopening do residential apartment building operations fall under?**

A: Residential apartment buildings fall under Phase 1 for construction/alterations and Phase 2 for property management, brokers/appraisers, etc.

**Q: If operating the building is an essential business, how do the reopening guidelines impact us?**

A: They provide guidelines to safely resume construction, alterations, moves, and deliveries. They also set the time by which a 'business reopening safety plan' and submission of the affirmation must be completed.

**Q: Do you recommend taking temperatures of employees, contractors or other visitors before letting them enter?**

A: We do not recommend taking the temperature of the building employees. The employees will be asked to complete a daily health assessment before reporting to work. Similarly, while it is permitted to require taking the temperature of contractors and other visitors, we do not recommend trying to implement such a procedure. As specified by New York City officials this past weekend, it was formally announced that requiring a temperature check is "permitted," but not required.

**Q: Do employees have to complete the health assessment every day?**

A: Yes, this must be completed daily.

# Webinar Q&A:

## Best Practices & Procedures for Reopening Your Building

**Q: Does each building employee have to complete a form prior to the start of each shift?**

A: Yes.

**Q: What about screening employees who live in the building?**

A: They will also be required to complete the health assessment form.

**Q: Has there been any update regarding the opening of pools and amenity spaces?**

A: Not officially but it appears that it would fall in Phase 4.

**Q: Last week our Property Manager sent us house rules drafted by Holland & Knight. Are these something we should consider adopting?**

A: The Board should review and decide which rules are best to adopt for their building. We recommend consulting with the Board's attorney.

**Q: Does the requirement for the health screening assessment apply to contractors working in our building?**

A: The contractor's company is responsible for the preparation and distribution of a safety plan. The plan includes the requirement to create a health screening assessment for its employees to submit to their employer.

**Q: Are the hand sanitizing stations mandatory?**

A: Hand sanitizing stations are mandatory according to the Reopening Plans provided by New York State.

*Webinar Date:  
Friday, June 05, 2020*

# Webinar Q&A:

## Best Practices & Procedures for Reopening Your Building

**Q: For buildings with smaller staffs, does FirstService Residential have a pool of temporary concierges/porters in case a full-time staff member tests positive or resides in a home with someone who has tested positive? Also, are there guidelines for broker showings and open houses?**

A: We have a list of companies that provide temporary staff members for our managed properties. New York State has issued guidelines for open houses as part of Phase 2 of New York Forward.

**Q: Asking employees whether they had COVID-19 symptoms without defining these symptoms may not be helpful. Scientists are learning that these symptoms, if any, vary significantly among individuals. Does the CDC define such symptoms?**

A: The CDC has provided a list of symptoms on their website.

**Q: How do you maintain privacy (HIPAA) with the Health Screening Assessment?**

A: HIPAA is a doctor/patient relationship. The Health Assessment information will need to be maintained in separate file and kept confidential.

**Q: Could you please comment on the degree to which FirstService Residential will be ordering PPE in bulk for buildings in the near-term. Also, what is the current thinking regarding the necessity of disposable gloves in addition to masks?**

A: FirstService Residential has several resources to secure PPE for our clients. Please contact your property manager for more information. Gloves may not be needed at all times by the staff members. When entering a residence, a face covering and gloves should be worn.

**Q: Is PPE defined as mask and gloves?**

A: Appropriate PPE depends on the activity being undertaken and could mean a face covering, gloves, smock, etc.

# Webinar Q&A:

## Best Practices & Procedures for Reopening Your Building

**Q: Will the closing agents receive a mover's COVID-19 acknowledgment form at closings?**

A: Yes, it will be provided.

**Q: Will residential buildings allow renovations to resume on the first day of reopening?**

A: The Board or building owner will make the determination. New York State and New York City will permit renovations starting June 8th.

**Q: Does a contractor's safety plan need to be posted in the buildings where they are working?**

A: The plan does not need to be posted but the property manager and resident manager should have it available in the building in case it is requested during an inspection.

**Q: Will the individual unit contractor's safety plans also need to be readily available?**

A: Yes.

**Q: Who is required to review the submitted safety plans to make sure they are acceptable?**

A: Every contractor must complete a safety plan and affirm that it complies with all New York State requirements. There is no New York State review of any safety plans. Buildings should set their own requirements for contractors to follow.

**Q: Will you be sharing resources for plexiglass barriers for the concierge desk?**

A: Your property manager can obtain from the supply companies who service the building. There are also many online resources for protective barriers.

# Webinar Q&A:

## Best Practices & Procedures for Reopening Your Building

**Q: At what point/phase is it appropriate to allow housekeepers and dog walkers into the building?**

A: This depends upon the Board. If your building curtailed these services, review your reopening guidelines.

**Q: Are owners going to be liable for contractor's added costs to comply with state-mandated requirements?**

A: If the contractor's cost of performing a project increases due to COVID-19, we would expect the increases to pass through to the building. If there is an existing contract, the attorney for the building should review.

**Q: Do you anticipate that the additional requirements will have cost implications, or only schedule implications? Time is money, but I'm not sure what the conversion factor is.**

A: There is the potential for both given the requirement for social distancing and PPE materials that contractors will be required to supply to their employees.

**Q: Please clarify "employees" as it relates to opening plan "screening." Building employees have been working throughout this pandemic. Must they now be screened all the time, or is this screening referencing employees of other businesses who are coming into the building.**

A: Building employees will be required to complete a daily health assessment.

# Webinar Q&A:

## Best Practices & Procedures for Reopening Your Building

**Q: We have eight active alterations at my property. If/when it is reported that a person that is positive for COVID-19 was working at one apartment, we will shut that site down. Do we, then, also shut other apartment sites down if that person had contact with other workers from other apartments – in the elevator, for example?**

A: The recommendation, per the CDC, is that all individuals who came in contact with the person who tests positive will need to quarantine. Also, the apartment residents will need to be notified and will be asked to quarantine.

**Q: On individual apartment renovations, who is responsible for making sure contractors are compliant with social distancing when they are in the apartment? How can we make sure any liability rests with the shareholder? Should there be a waiver of liability as part of alteration agreement/approval process?**

A: We recommend speaking to the building's attorney on adding COVID-19 related requirements to the building's alteration agreement. The contractor is obligated to monitor its employees, but the building superintendent or resident manager must conduct daily check-ins to confirm that the workers are wearing PPE and socially distancing.

**Q: Are there circumstances in which contractors would be allowed not to wear masks, for example, heavy landscaping work outside in high temperatures?**

A: The guidelines do not cover every circumstance, but if the workers maintain social distancing it would seem that they will not be required to wear masks. Please note that New York City officials now require masks to be worn during construction as of this past weekend.

**Q: Do building repairs in apartments by the Sponsor constitute capital projects?**

A: Capital projects is not a term used in guidance but the work could be considered construction that is allowed to resume in Phase 1.

# Webinar Q&A:

## Best Practices & Procedures for Reopening Your Building

**Q: Is there a health assessment questionnaire template that FirstService Residential has drafted? Is it available online?**

A: It is included in FirstService Residential's COVID-19 Building Reopening Guidelines that have been provided to our clients.

**Q: What can we do if a resident refuses to comply with masking and social distancing practices?**

A: After attempting to work with the resident, it is recommended that you contact the building's attorney.

**Q: How are necessary deliveries such as appliances being handled? For example, one time for entry and change out of equipment?**

A: The Board should determine how to handle the situation based on the circumstances at the building.

**Q: When you say that you are releasing guidelines to Boards and owners, does that mean all shareholders, as well?**

A: FirstService Residential's COVID-19 Building Reopening Guidelines have been released to Boards and Owners of our rental properties but not to all shareholders. Only after the Board adopts a final plan should it be released to all shareholders.

**Q: Our building has changed work schedules/hours for our staff, including four-day shifts. Will these be maintained? Should they be?**

A: If your building is resuming construction, consider having the staff members return to their five-day work schedule.

# Webinar Q&A:

## Best Practices & Procedures for Reopening Your Building

**Q: If residents are ordered to stay home, but a construction team is expected to work in their home, how can that be accommodated?**

A: If the residents of an apartment are in quarantine, they should not be having outside workers in the apartment, except for emergencies related to their health and safety or the health and safety of other residents.

**Q: Are contractors now submitting their site-specific safety plan, or has the state/city been accepting these plans?**

A: The plans are not submitted to any city or state agency.

**Q: Will you allow apartment alteration before Phase 2?**

A: Apartment alterations are included in Phase 1, but the Board can delay allowing the work to resume.

**Q: Has there been or will there be discussions with Union 32BJ regarding employee compensation not contemplated under prior contract?**

A: The Realty Advisory Board and 32BJ have entered into a number of special agreements with regard to rearranging schedules that have an impact on compensation, but there has been no change in the hourly rates under the current CBA.

*\*In case you missed the live webinar, FirstService Residential's COVID-19 resource library now includes webinar recordings, articles and websites from sources you can trust. Click here to access the library and be sure to check back for frequent updates: <https://bit.ly/2TryVrU>*

*\*\*The answers provided in this question and answer document are not intended to, and must not be construed, or relied upon, as providing property management, professional, medical or legal advice of any kind on any issue. The guidelines may change from time to time as federal, state, or local authorities and healthcare organizations issue new and/or revised directives. USE THESE ANSWERS AT YOUR OWN RISK*

Webinar Date:  
Friday, June 05, 2020