

Reopening New York City Co-ops and Condos

Guidance for Boards and Managing Agents

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Seyfarth Shaw LLP

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Agenda

01

Introductions and Opening Remarks

By: Dennis H. Greenstein

02

Reopening Amenity Spaces in Co-ops and Condos

By: Ingrid C. Manevitz

03

Navigating Building Staff and Union Issues Associated with Reopening

By: Paul Galligan

04

Addressing NY Human Rights Law and Accommodation Requests

By: Paul Galligan

05

Covid-19 Litigation Issues for Co-ops and Condos

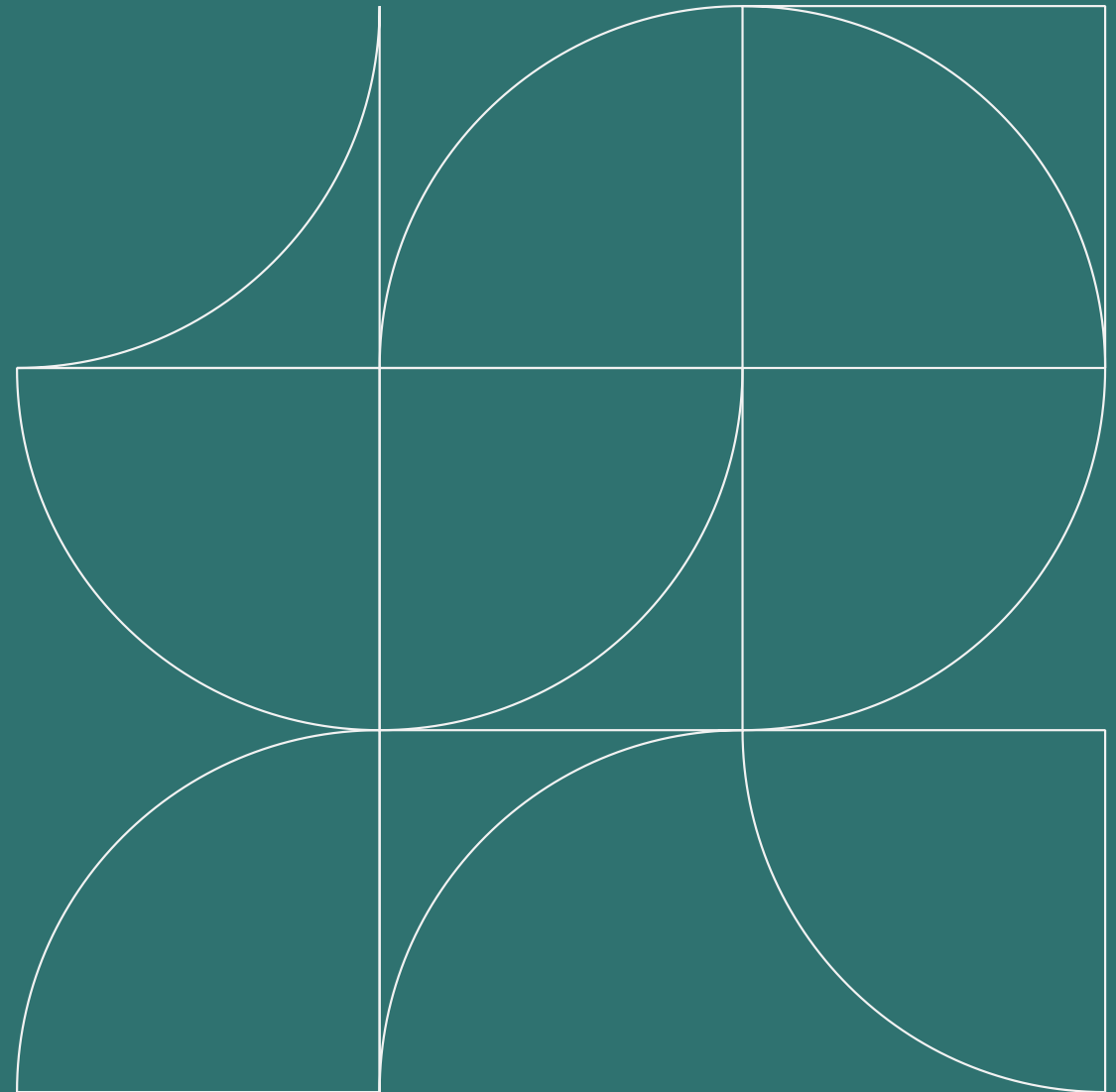
By: Jeremy Cohen

06

Closing Remarks and Q&A

By: Dennis H. Greenstein

Reopening Amenity Spaces in Co-ops and Condos





What Do the Four Phases of *New York Forward* Mean for Reopening Amenities in Co-Op and Condo Buildings?

- What are the Four Phases?
 - When May Amenities Be Reopened?
 - Does One Size Fit All (Buildings)?
 - What are the Next Steps?
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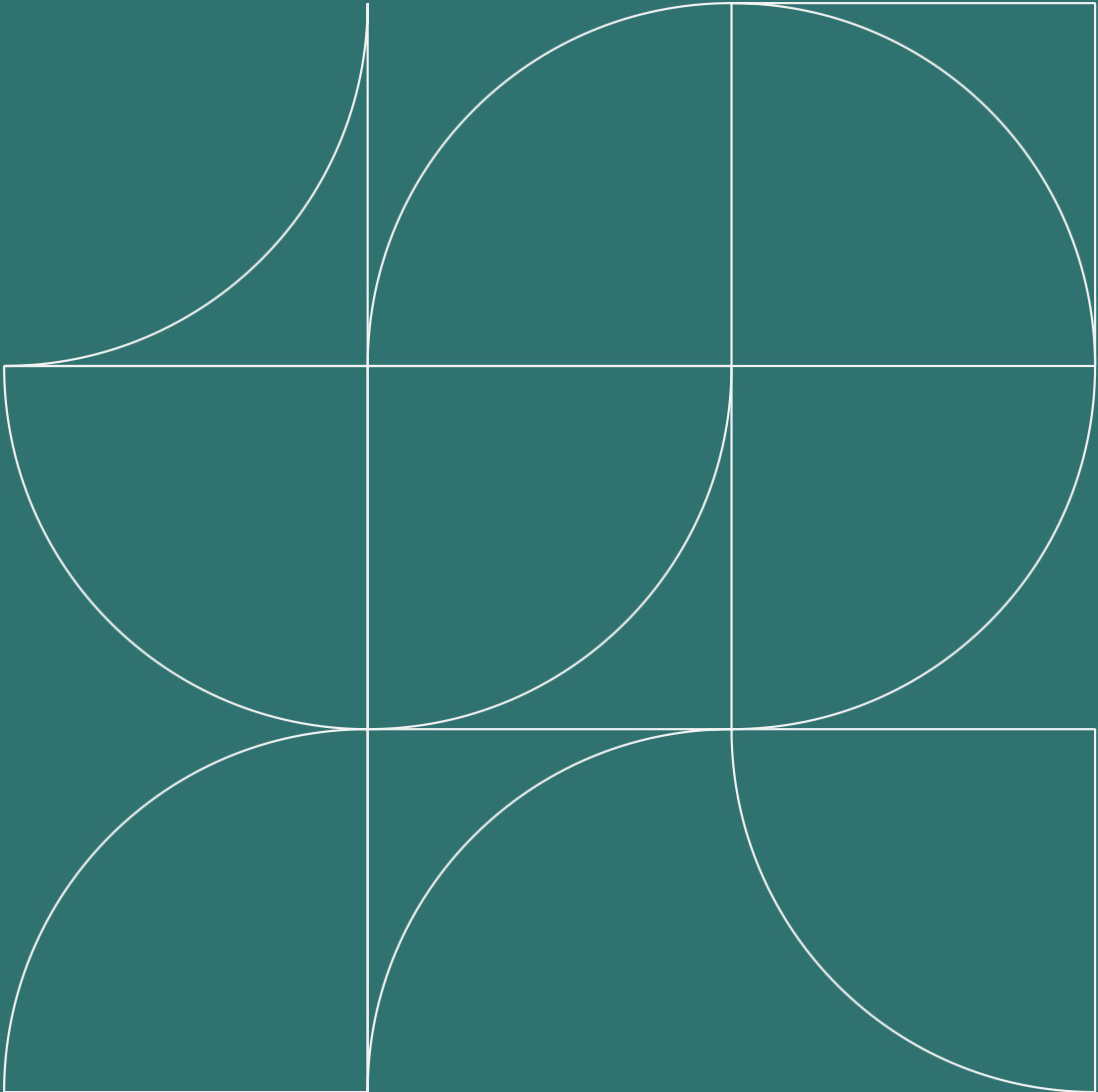
Next Steps for Boards and Managing Agents

- Review Your Governing Documents
 - Co-ops: Proprietary Lease, By-Laws and House Rules
 - Condos: Declaration, By-Laws and Rules and Regulations
 - Consider Challenges Presented By Your Particular Amenities
 - Outdoor vs. Indoor Amenities
 - Formulate and Adopt New Rules and Regulations
 - How May Residents Use the Amenities?
 - How Will You and Building Staff Monitor Residents' Use?
 - Adapt Your Amenities to Comply
 - Reduce Density
 - Promote Physical Distance
 - Allow for Cleaning and Disinfecting
 - Train Staff
 - Communicate to Residents
-

- Review Your Insurance Coverage
 - Virus and Bacteria Exclusion?
- Budget for Increased Costs
 - Cleaning Products and Materials
 - PPE for Staff
 - Signage
 - Legal Expenses
- Continue to Closely Monitor Guidance
 - New York State
 - New York City
 - Centers for Disease Control and Prevention
 - REBNY (Real Estate Board of New York)
- Accommodations for Vulnerable Populations

Next Steps for Boards and Managing Agents

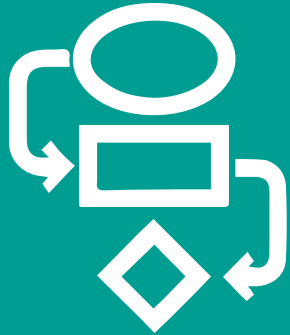
**Navigating Building
Staff and Union
Issues Associated
with Reopening**





Employee Safety

- What have we learned as an essential service?
 - Conducting building service work
 - Common areas
 - Inside resident apartments
 - Union buildings: Local 32BJ involvement
 - Duty to bargain over safety precautions?
 - RAB Agreement
 - Second RAB Agreement
 - Commercial reopening and residential guidelines
 - Non-Union buildings
 - Addressing safety issues with employees
 - Protected concerted activity – Hazard pay?
 - Duty to accommodate
-



New Labor Issues with NYC Reopening

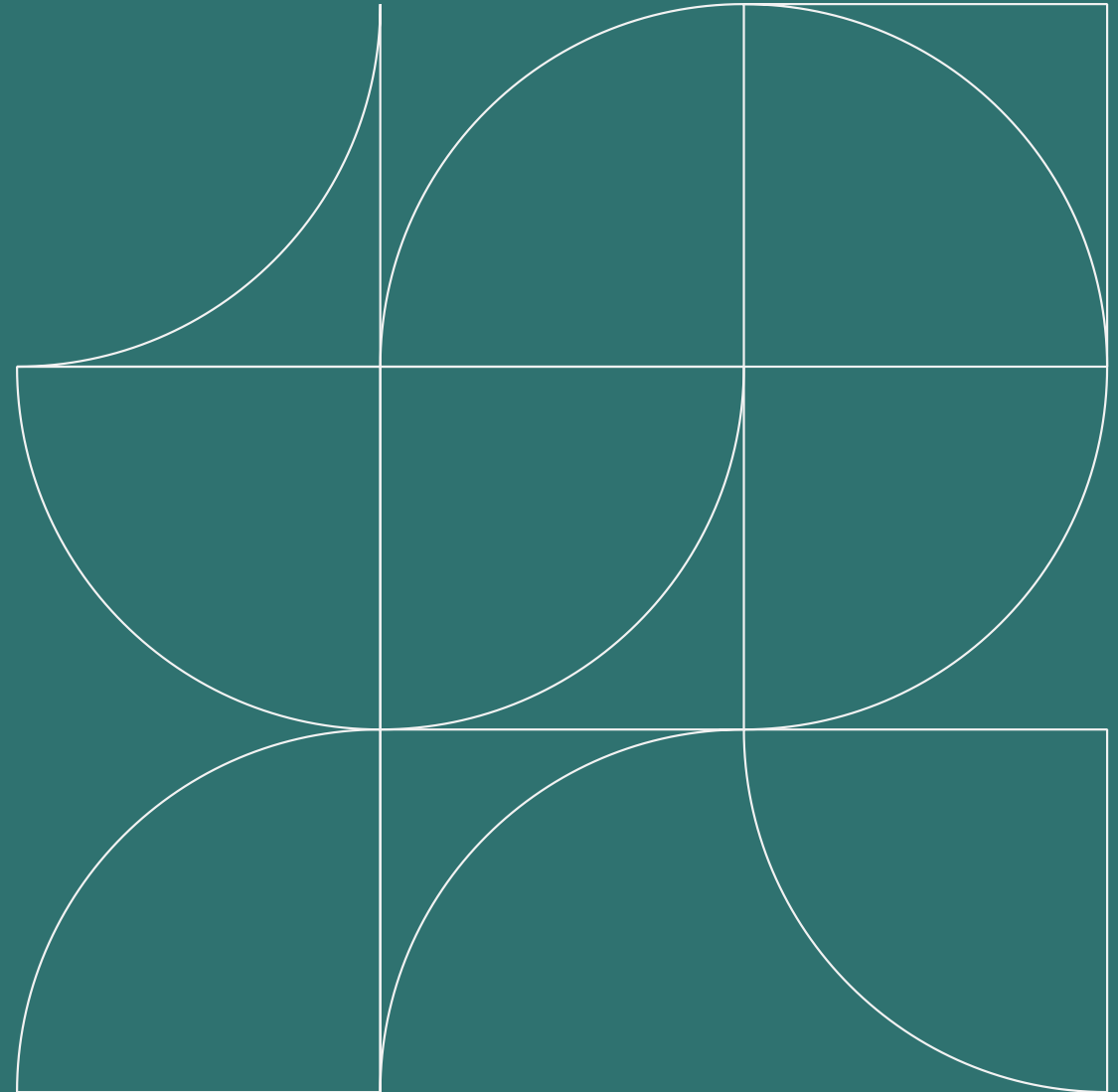
- Mass transit
 - Testing
 - Self Testing
 - Cost issues
 - Paid time?
 - Employees refusing to come to work due to COVID fears
 - Off duty conduct
 - Duty of building service employees to conduct safety protocols for residents/guests
 - Building service work? Experience so far.
 - Elevator protocols
 - Social distancing and mask requirements
 - Disclaimers/waivers
-



Privacy and Confidentiality Concerns

- Positive COVID tests
 - Notification requirements
 - Requests to identify employees or residents
 - Board involvement?
 - Recordkeeping
 - Testing
 - Temperature data
 - Individualized assessment
 - CDC guidelines
-

Addressing NY Human Rights Law and Accommodation Requests

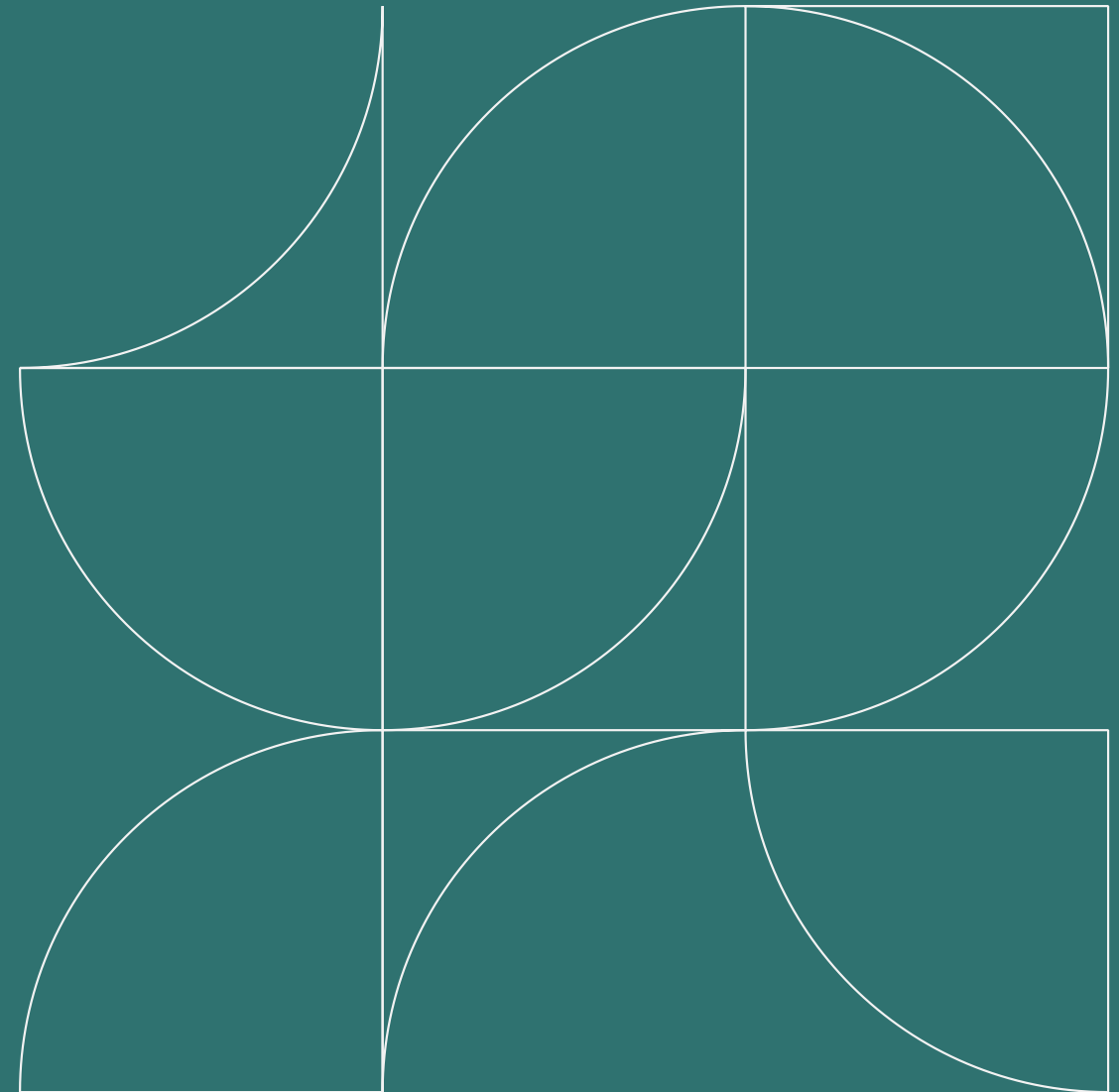




NYC Human Rights Law and COVID

- The NY Human Rights Law holds that a person with the COVID-19 is Disabled
- “Discrimination and harassment due to COVID-19 are illegal in NYC.”
 - Accommodation requirements
 - Cooperative Dialogue is mandatory
 - Reasonableness/undue hardship
 - Revealing identify?
 - Actual or perceived victim of the virus
 - Evict/Extra Charges, etc.

Covid-19 Litigation Issues for Co-ops and Condos





Litigation Lessons Learned

- Health & Safety
 - Lifestyle
 - Guests
 - Caretakers
 - Housekeepers
 - Babysitters
 - Dog Walkers
 - Move-in/Move-out
 - Alterations
-



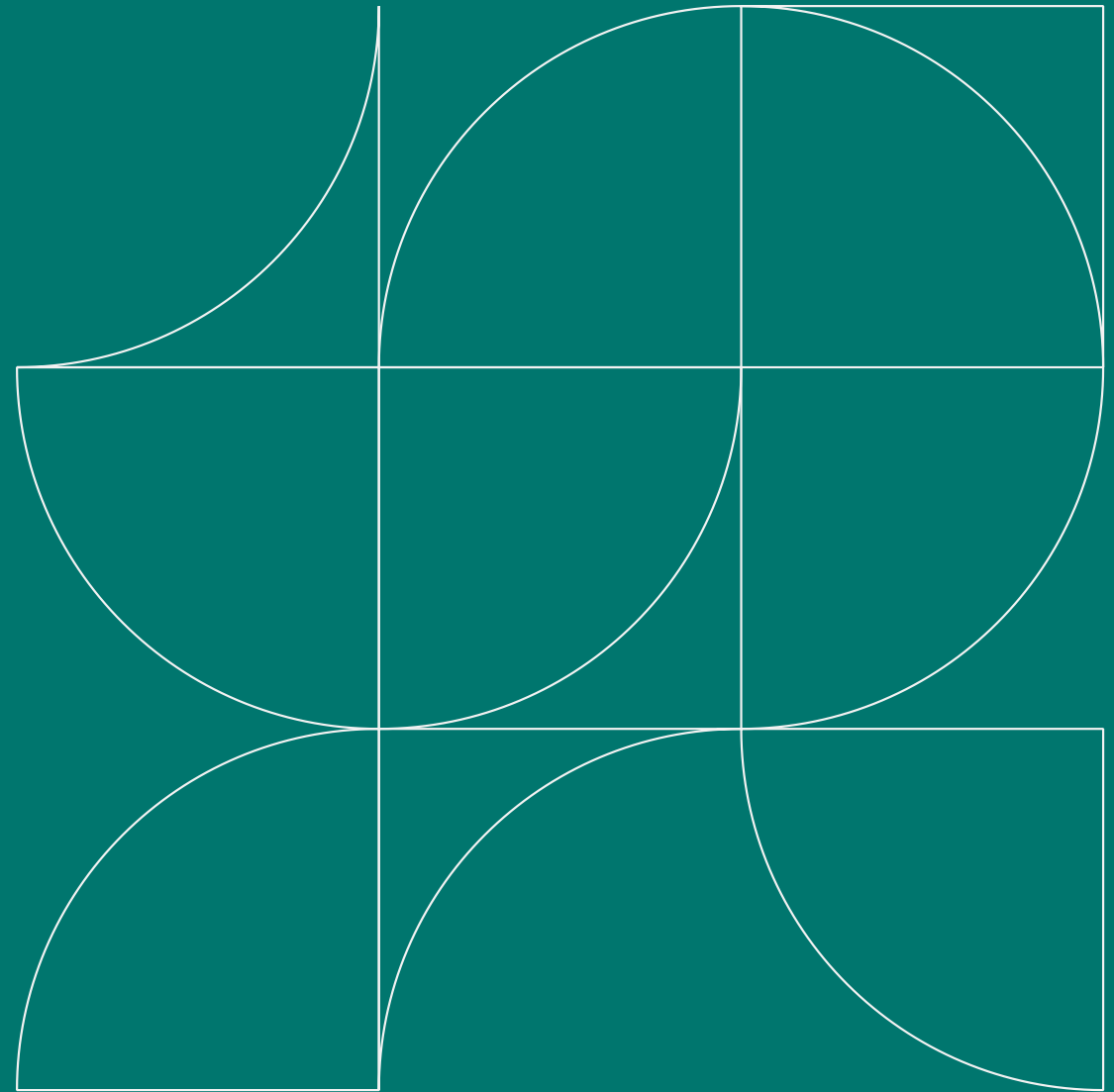
Courts are **(slowly)**
returning to normal



Litigation On The Horizon

- Health & Safety
 - Lifestyle
 - Physical Plant
 - Ordinary Issues
 - Arrears/Evictions
 - Torts
 - Nuisance
-

Q & A



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**Thank
You**

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