

Protecting Multi-Tenant Residential Maintenance Employees from COVID-19

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Multi-tenant residential housing properties face numerous financial and operational challenges from the outbreak of Coronavirus disease 2019 (COVID-19). An immediate concern for owners and management is their ability to continue responding to maintenance requests while also ensuring employee health and safety. This unprecedented situation will remain a crucial issue throughout the duration of the COVID-19 pandemic.

The Occupational Safety and Health Administration (OSHA) requires employers to provide workplaces free from health and safety hazards. OSHA has issued specific guidance on preparing workplaces for COVID-19 (publication no. 3990-03 2020). The suggestions outlined in OSHA's guidance support the operational needs of multi-tenant housing by providing recommended practices to minimize the risk of exposure to COVID-19 while employees respond to essential maintenance requests.

Each property will have specific needs and requirements and, depending on the jurisdiction, have to contend with restrictions implemented by state and local authorities in response to COVID-19. However, OSHA has outlined general practices that will minimize the risk of COVID-19 exposure to maintenance employees, including:

- **Proactive and Transparent Communication.** Employees should be provided with accurate information about COVID-19 risks and potential exposure. Before employees enter a residence, they should understand whether the residents are sick, exhibiting COVID-19 symptoms, or quarantined. The Fair Housing Act and privacy considerations will limit the amount of information that residents are required to provide, but sufficient information may be obtained for maintenance employees to understand their exposure risk.
- **Workplace Hygiene.** There should be ample cleaning and sanitizing supplies available for employees to use in their workspaces and offices. Cleaning staff should be deep cleaning and sanitizing work areas, public places and high-touch elements (e.g., door handles, railings, elevator buttons, counters) frequently. Employees also should be encouraged to maintain personal hygiene practices, including:
 - Frequent handwashing, for 20 seconds with soap and water or hand sanitizer containing at least 60% alcohol.
 - Sanitizing work areas and tools regularly and, if feasible, not sharing equipment with co-workers.
 - Whenever possible, maintaining six feet of distance from others.

- Observing respiratory etiquette, including covering coughs and sneezes.
- Using personal protective equipment (PPE) when appropriate, which may include disposable gloves, facemasks, and respirators. After use, PPE should be discarded or sanitized to prevent contamination.
- **Resident Requests and Access.** Depending on the extent of local COVID-19 risk, properties may consider limiting maintenance responses to only emergency or urgent requests. Whether this approach is warranted will be fact-specific. Before any service call or other planned interaction between residents and maintenance workers, residents should disclose if they are sick, exhibiting symptoms of COVID-19, or self-quarantining after a suspected exposure. This type of questioning must be done neutrally and free of discrimination; failure to do so could raise a number of issues under the Fair Housing Act. If a resident answers in the affirmative to any of these questions, and if postponing the visit is not possible, then the resident should remain in a different room during the visit with the door closed. If possible, the resident should wear a face mask and the employee should observe the above personal hygiene recommendations.
- **Staggered Scheduling.** Consider whether to stagger employee shifts and reduce headcount on specific shifts to minimize potential cross-infection among co-workers. Maintenance staff should have equal access to facility resources and operational information, in case key personnel are absent or unavailable.
- **Stay Home When Sick.** Employees must be instructed to stay home if they feel sick, experience any COVID-19 symptoms (e.g., fever, dry cough, or difficulty breathing), or are exposed to any individuals diagnosed with, or presumed to have, COVID-19.
- **Contact Tracing.** If an employee reports an infection, employers should conduct “contact tracing” and consider whether to send home for self-quarantine any individuals with whom the employee worked in close proximity over the past 14 days. This could lead to a significant reduction in workforce, in which case employers may consider hiring temporary staff to assist maintenance employees during a quarantine period.

This is a non-exclusive list of the more common issues that owners and management should consider. Each situation involves unique circumstances and considerations, and it is crucial to work with counsel to ensure compliance with applicable laws and follow best practices during this challenging period.