

## Real Estate Law Alert

# Best Practices for Multi-Family Landlords Managing COVID-19 Issues

The COVID-19 pandemic has created a host of new issues for landlords who own and manage multi-family residential buildings. Because of this health and safety risk, landlords need to work with their employees, tenants and vendors to minimize the spread of the virus in their buildings. We recommend that landlords create and disseminate their own policies and procedures to ensure the safety and well-being of their tenants during the stay at home order and so tenants feel assured that they live in a safe environment.

Policies and procedures may vary on the type and nature of the rental building, and may need to be adjusted as directives from authorities evolve, but such policies and procedures should include, in some capacity, the following:

1. Reminding tenants that each tenant and their guests and invitees are expected to adhere to social distancing guidelines provided by the Center for Disease Control while in the common areas of their building. Recommendations include staying at least six feet from other people, not gathering in groups and staying out of crowded places.
2. Limiting guests and invitees of tenants from entering the building. This could include allowing only family members of tenants or essential service providers, and allowing only delivery of essential items or delivery of items in a designated secure area outside of the building.

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3. Limiting and/or restricting tenant access to certain common areas of the building. For instance, the landlord can suggest a maximum number of non-related tenants to ride in an elevator at the same time or to enter the mail room, garage or common outdoor space. If the landlord deems it necessary, the landlord can also limit access to or close any amenities, such as a common work-out room.
4. Reminding tenants that ownership/management is frequently cleaning and disinfecting common areas, specifically including contact surfaces (door handles, railings, elevator buttons etc.).
5. Adding access to wipes and/or hand-sanitizer in the lobby and other common areas of the building.
6. Prohibiting gatherings or lingering of tenants in lobby areas, mail rooms, garages and other common areas.
7. Encouraging tenants and their permitted guests and invitees to wear masks while in common areas of the building.
8. Providing remote property management access for all tenant requests so tenants need not visit a property management office for any leasing issues.

These policies and procedures should be disseminated to tenants in a few ways to ensure that the message is thoroughly and clearly communicated, which can include emails and signs posted in common areas of the building.

### Move-Ins and Move Outs

With the busy April 30th/May 1st tenant turn-over dates looming, landlords have additional issues to consider. For any number of reasons, including financial, issues with the residence they are moving to or from, illness and/or self-quarantine, some tenants that are expected to timely move out or move in may not act in accordance with the terms of their signed lease.

Moving is not prohibited during the stay at home order and moving companies are considered an essential service in Illinois. Thus, we recommend that landlords proactively communicate with, and if necessary create action plans with, those tenants who have move-in and/or move-out dates during this period. Landlords should confirm moving plans with current or prospective tenants ahead of time to identify and manage any issues that may arise before they become a ripple effect among renters of the same unit.

Additionally, landlords may want to establish additional policies and procedures surrounding moves to or from their buildings. This may include:

- Scheduling specific move-in or move-out times so only one move happens at a time,
- Limiting or managing moving crew sizes and limiting parties, such as non-essential or non-family members, from participating in the move, and/or

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- Requiring that only a specific entranceway, stairwell or elevator is used for the move.

Landlords should consider expanding cleaning to add a disinfecting of the apartment unit in between any move out and move in. Also, despite what the lease and the Chicago Residential Landlord Tenant Ordinance (CRLTO) may provide, guidance from the Illinois Department of Commerce and Economic Opportunity suggests that landlords cannot show currently occupied units to prospective tenants during the duration of the stay in place order. Showings of vacant (or owner occupied) units are permitted, if necessary and scheduled in advance, and limited to no more than four people. Virtual showings are preferred.

### **Self-Reporting of COVID-19 Infection**

It is unfortunately inevitable that one or more tenants in multi-family housing may contract COVID-19. In an effort to gain knowledge of infected persons in their buildings, many landlords are proactively asking tenants to self-report if they have been confirmed to have the virus or have been exposed to someone who has the virus. While landlords can request this information, they cannot require it from tenants and tenants can refuse to share it. A landlord that wants to proactively seek such information from their tenants should be clear it is a “request” or is “encouraged” for the safety and well-being of all tenants. They also should provide clear direction on how a tenant can confidentially share such information if the tenant is willing to do so.

Landlords that receive self-reporting information, by request or otherwise, and whether it concerns an employee, tenant or vendor of the building, must carefully handle such information. If one or more cases are identified that affect a building, a landlord can advise the tenants, employees and vendors of the building, but may not identify or infer the identity of any infected party(ies). If providing a general notice, the landlord may want to remind tenants of their policies and procedures in place and further increase their cleaning and disinfecting protocol.

As the COVID-19 pandemic continues, the Centers for Disease Control and state and federal authorities are constantly updating and clarifying their policies, procedures and recommendations. Accordingly, landlords need to revisit and modify their policies and procedures and adapt as necessary in this constantly evolving situation.

*If you have any questions about this Alert, please contact the author listed below or the [Aronberg Goldgehn attorney](#) with whom you work.*

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