



# COVID-19 Actions & Insurance Implications

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## SPECIAL EDITION WEBINAR!!

Join our General Counsel and Director of Claims & Risk Management, Matt Fischer, as he interviews Noel Fisher, President & CEO of CORE TEAM, INC. as they discuss the technicalities of reopening.

Reopening Your Buildings - Let's Get Technical!

Date: Thursday, June 4, 2020

Time: 12:30pm EDT / 9:30am PDT (1 hour)

Please Register: [Click Here](#)

## Recent News

- The CDC has released guidelines for the reopening of office buildings and addresses what actions employers can take in the situation. [Click Here](#)
- The House passed legislation easing requirements on the use of PPP loan funds for small businesses. [Click Here](#)
- Commercial insurance rates jumped over 9% in the first quarter. [Click Here](#)
- OSHA has requested that employers investigate positive cases of COVID-19 in the workplace. [Click Here](#)
- Congressional lawmakers introduced the Pandemic Risk Insurance Act of 2020 which would provide a federal backstop for insurance companies who would offer coverage for business interruption as the result of a pandemic. [Click Here](#)
- Louisiana lawmakers have advanced a bill limiting liability for COVID-19 related claims against real estate owners and others. [Click Here](#)
- McDonald's faces a lawsuit alleging it is a public nuisance as a means to attempt to force stricter sanitation standards on the company. [Click Here](#)
- The Federal Reserve is discussing additional asset purchases and possible plans to utilize yield caps as was done during the Second World War. [Click Here](#)
- Shareholders have filed suit against Carnival, Corp. and a pharmaceutical company for misleading statements demonstrating increased risk in the D&O coverage space. [Click Here](#)
- Lawsuits related to COVID-19 business loss coverage continue to be filed as a result of denied claims. [Click Here](#)
- Hotel occupancy rates have begun to increase slightly, easing difficulties faced by hotel owners and investors. [Click Here](#)
- Confidence of tenants and consumers may be shaped significantly by sanitation efforts and standards enacted by landlords and businesses. [Click Here](#)
- An app that assists in social distancing by displaying six feet of separation is available for Android phones. [Click Here](#)

## Actions & Analysis - Week in Review

- Review CDC guidelines addressing the reopening of office buildings. Information about the guidelines can be found here: [Click Here](#)
- Continue to review guidance about reopening and best practices surrounding same. [Click Here](#)

As reopening begins or continues across jurisdictions, most health-based guidance continues to recommend the wearing of masks by the public to limit the spread of COVID-19. During the height of prohibitions on personal movement and commercial operations, the use of such masks was mandated by executive order. Now, as states begin to reopen, the issue of enforcement of such requirements has come to the forefront, especially as various stores maintain policies of mask usage while public authorities continue to be supportive of such measures.

Legal requirements and recourses are going to vary by jurisdiction and so business owners should be clear on the local rules and law of the states and counties in which their businesses operate. As a general rule, stores are able to enforce the policy of wearing a mask while on their premises due to the rights they have as private property owners. In this way, the authority of the business is similar to that of the old signs that used to be posted which said, "No shoes, no shirt, no service." Businesses had the right to deny service based upon those rules, as long as the policy was carried out in a manner that is not discriminatory. For any policies related to mask usage, business owners should also be cognizant of ADA requirements and those in protected classes. At the same time, some governors and legislatures may enact specific regulations regarding the mandatory use of facemasks as the Governor of New York issued an executive order specifically authorizing businesses to deny entry to those without face masks.

Staff should be made aware and trained to handle, how to address customers who do not follow such policies. Confrontations have occurred between store personnel and customers who do not wish to follow such guidelines. Generally, staff should leave recalcitrant customers to be addressed by police or other appropriate authorities. Overall, businesses should carefully review their policies and procedures along with consulting legal counsel or public authorities when addressing policies related to enforcement of facemask usage response plans to COVID-19. As always, businesses should consult with counsel about local laws and rules related to signage and the legal ramifications of using same.

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