



COVID-19 TENANT CHECKLIST

Tenants face significant challenges because of the current COVID-19 outbreak. The growing number of business disruptions, stay-at-home orders and financial market declines hamper a business owner's ability to pay normal expenses, including rent. Below is a suggest checklist for tenants as they work through these challenges:

- Contact your landlord early and maintain communication about your plan to continue operating or temporarily close your business during the stay-at-home period and beyond.
- Conduct a risk assessment analysis and anticipate cash flow challenges.
- Request a forbearance of rent from your landlord. Consider offering to pay CAM charges but request a temporary (2-3 month) deferral of rent and propose to catch-up on back rent gradually once business returns to normal.
- Review your Lease Agreement. Look for Continuous Use/Operations provision, Force Majeure language, Interruption of Services and Landlord Obligation provisions.
- Review the Hazardous Materials provisions of your Lease. Sometimes leases obligate landlords to comply with environmental laws and indemnify a tenant from costs associated with hazardous materials. There may be an argument that a local or state mandated shutdown triggers this provision.



COVID-19 TENANT CHECKLIST
Page 2 of 3

- Look for a Quiet Enjoyment provision in your Lease. These require the Landlord to covenant that your use of the premises will not be disturbed. If the Landlord elects to close the building, it may be considered a breach of quiet enjoyment.
- Review your insurance policies. If you carry business interruption insurance, determine whether it may be triggered by the COVID-19 crisis.
- Contact your lender to discuss cash flow challenges and develop a strategy to manage loan obligations
- Look into applying for an SBA Disaster Loan.
- Consult your local health department and the U.S. Centers for Disease Control and Prevention (CDC) for the latest information on the virus and guidelines for controlling transmission.
- Clean routinely and frequently touched surfaces and objects, including but not limited to, bathrooms, security desk areas, elevator banks, turnstiles, escalators, door handles, communal kitchens or pantries, bathrooms and the like.
- Follow Occupational Safety and Health Act (OSHA) requirements, set forth in Sections 13 and 14 of OSHA No. 1 of 2006, which impose various duties on the employer to ensure a safe and healthy work environment.
- Consult with counsel about the COVID-19's impact on your business and your rights and responsibilities under your Lease Agreement.



COVID-19 TENANT CHECKLIST
Page 3 of 3

The Real Estate Attorneys at Lyons Gaddis are available to advise you in relation to your landlord and tenant issues and other COVID-19 related matters impacting your current and future business operations.