

Responding to a Positive COVID-19 Case

- It is expected that the sensitive issue of “contact tracing” to find out who an infected individual has come in close contact with while contagious will be handled by public health departments, at least in major cities. Tenants and landlords need to monitor guidance provided by their local public health department to understand what their responsibilities will be to facilitate that contact tracing. San Francisco Department of Public Health already provides such guidance (see: [SFDPH Corona Virus Facts](#)), which will continue to be updated.
- If a tenant’s employee is diagnosed with COVID-19, any areas where they worked or common areas that they may have used will need to be isolated and thoroughly disinfected. That requires that tenants promptly notify landlords upon discovery of the positive test. However, the individual’s medical privacy must be strictly maintained unless the individual consents, so the landlord should not be informed of the identity, just that an individual has tested positive and a crew to disinfect areas should be dispatched.
- Landlords should prepare response plans if notified of a positive case in their building, such as notifying other tenants may share use of common areas, disinfection procedures, and increasing disinfection of common areas.
- Landlords should review their tenant leases to determine if they can require tenants to notify them on any positive cases and what obligations they have to other tenants in the building. Consideration should be given to developing interim rules and regulations for tenants.
- Tenants should develop their own procedures for how they will respond to a positive case, including assisting public health officials with contact tracing and communications with other employees. If your local public health officials are not handling contact tracing, follow any guidance they have for businesses that have an employee that tests positive.
- Tenants should inform other employees of the positive test but not release the individual’s name unless the individual has consented. Other employees may guess the identity but the employer cannot release that information due to medical privacy laws and, potentially, disability laws. San Francisco Department of Public Health has provided two advisories to provide to other employees, one for individuals who were in close contact with the person diagnosed with COVID-19 and a general advisory for everyone else in the organization (see: [San Francisco Department of Public Health](#)).

Buchalter is committed to helping clients navigate through these challenging and rapidly changing times. We have attorneys experienced in adapting and navigating clients through these trying environments and are here to help however, you need. If we can be of assistance, please feel free to contact any of the Buchalter Attorneys below.

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