

# Liability Statement Requirement

When Governor Cuomo first announced the plans for reopening, his press release outlined guidelines for businesses, one of which was to develop a liability process.

The Governor also outlined [new safety precautions](#) that each business must put in place upon re-opening to help lower the risk of spreading the virus. Businesses will be required to:

- Adjust workplace hours and shift design as necessary to reduce density in the workplace
- Enact social distancing protocols
- Restrict non-essential travel for employees
- Require all employees and customers to wear masks if in frequent contact with others
- Implement strict cleaning and sanitation standards
- Enact a continuous health screening process for individuals to enter the workplace
- Continue tracing, tracking, and reporting of cases
- **Develop liability processes**\*\*\*\*\* *While none of the subsequent NY Forward materials speak directly to this component of the reopening (this happens repeatedly, where the Gov. issues a press release with directives, but the actual guidance is a bit more obscure), the materials on the website detail the health and safety precautions businesses take, which likely speak to the point on liability. The NY Forward website also has a business plan template that all businesses should follow (also linked in the next paragraph).*

It is encouraged by NYSH&TA's legal counsel at Greenberg Traurig that all member businesses follow NYSH&TA's recommendations for having a general statement on liability, and make sure that all points are addressed in the business plans. [Click here](#) for the Safety Plan Template that your members should keep on file. It is not a law nor a regulation that this statement needs to be shared with guests or displayed in the lobby in any way.

## COVID19 Liability Statement for NYSH&TA Members

In the recently released guidelines for doing business in NYS, you must have a liability statement. Below is a statement developed by NYSH&TA, with guidance from its legal counsel, that can be tailored to your business.

“ \_\_\_\_\_ (insert property name) is absolved of all liability for anyone infected with coronavirus during their stay. By staying at

\_\_\_\_\_ (**insert property name**), you voluntarily assume all risks related to exposure to COVID-19. We will take all measures necessary to keep our property as safe and comfortable as possible for our guests amid the coronavirus pandemic, but please understand that there is a shared responsibility between guests and \_\_\_\_\_ (**insert property name**).