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).