



**Bill No:** HB 1106-- Civil Actions – Immunity from Liability – COVID–19 Exposure

**Committee:** Judiciary

**Date:** 3/3/2021

**Position:** Favorable with Amendment

The Apartment and Office Building Association of Metropolitan Washington (AOBA) represents members that own or manage more than 23 million square feet of commercial office space and 133,000 apartment rental units in Montgomery and Prince George's Counties.

House Bill 1106 provides immunity for business owners, lessees, and tenants of a premise from civil liability relating to exposure or death of others from COVID-19. The bill only applies if the protected group acted in good faith by following and enforcing federal, state, and local health guidelines at the time of the exposure. Additionally, the bill is retroactive and is applicable to the beginning of the pandemic.

AOBA understands that the pandemic has negatively impacted many businesses including our apartment and commercial property owners. This bill is important for our members to protect them from a civil suit brought by individuals that have contracted COVID-19. Our members currently follow all Federal, State, and Local guidance to provide a safe and clean environment for residents and employees. They take precautions to avoid exposure to COVID-19 by enhanced cleaning and sanitation of facilities, communicating with tenants on safety protocols, modifying operations to limit exposure and ensuring that those that work on the premise have access to personal protective equipment (PPE). We support legislation that gives our members immunity from any civil liability cases when they are abiding by regulations set by the health department, other agencies and the government.

AOBA would be happy to work with the sponsor of the bill to propose an amendment to strike "enforce" in line 10, page 2 and replace it with "abide by." Our members require residents to follow Federal, State, and Local guidance on utilizing masks and social distancing procedures in apartment and commercial spaces. They have also

taken measures to make sure public areas are closed and access limited in accordance with capacity restrictions while providing resources and infrastructure upgrades to keep residents and staff safe. However, housing providers and property maintenance staff cannot enforce compliance with all provisions as they do not have the resources or authority to enforce following the health guidance. Further, we have seen multiple times in the media what happens when well-intentioned employees attempt to enforce mask mandates and are met with violence and abuse. Because of those outbursts, the industry encourages staff to comply, establish procedures that comply, and encourage residents to comply—without confrontation in effort to enforce compliance. Property managers have processes in place to make sure that residents are safe and that they are abiding by the facilities regulations, but AOBA members worry what “enforcement” would entail.

**For these reasons AOBA supports a favorable with amendment report on HB 1106.**

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