

Ebola and multifamily housing concerns

Ebola seems like a red herring when you look at the numbers—just a handful of people in the United States undergoing treatment for known cases in October ... until you look again at the numbers.

More than 100 people in the United States were unknowingly exposed to the disease, that we know of. If they are ill or the people who are known to have it had contacts that have gone unreported, the numbers could be much higher, and more people entering the country from international travel could unknowingly have contracted the virus and be importing it.*

The disease is spread through bodily fluids, which seems like you'd have to drink from the same glass or have some other physical contact, but transmission isn't as difficult as you might think. Let's look at what the Centers for Disease Control and Prevention says.

Ebola virus disease, also called Ebola hemorrhagic fever, is spread through direct contact - for example, through broken skin or mucous membranes in the eyes, nose or mouth - with blood or bodily fluids of a person who has Ebola. Bodily fluids include things like saliva and sweat, as well as fluids that require intimate contact. Objects that have been contaminated that pierce the skin can also be carriers. Air, water and, in general, food are not typical carriers, nor have insects been shown to transmit the virus from one person to another.

The virus can spread quickly in settings where caretakers of an ill person are not wearing appropriate protective equipment, such as masks, gowns, gloves and eye protection, the CDC notes. Health care workers are also very vulnerable to infection when *removing* protective gear.

In Dallas in September, a patient displaying symptoms of Ebola went undiagnosed and was sent home to his apartment complex, whereupon he was physically ill on the ground outside his unit. If you think of all the sneezes and unwashed hands that make contact with railings, elevator buttons and door handles in your apartment, you can imagine the potential for a viral outbreak. Presumably, people who are ill are not at your gym facility coming in contact with equipment or other residents, but who knows?

Liability for Ebola Transmission

When can a property manager, landlord or condo association board potentially become liable for the transmission of Ebola, its costs and its damages? The answer to that is very unclear at this point, but if the disease begins spreading in multiunit residential complexes, you can bet it won't be long before personal injury lawyers get involved. It will be important for you to be able to demonstrate that you were proactive in minimizing the problem as far as you could.

It would be prudent to discuss with your attorney the best ways to limit your legal liability. Your Independent Agent will help you to review the coverages you have in place and how they might respond to an outbreak in a building or at a location you own/manage.

Infectious Disease Cleanup

In Dallas, people who lived with the man diagnosed with the virus were quarantined in their apartment with soiled towels and sheets used by the patient for days, but a three-phase apartment cleaning regimen began thereafter. The quarantined residents were relocated, and a hazmat team in full gear emptied the apartment of contaminated items. It's not clear who bears responsibility for the clean-up costs or whether a security deposit can lawfully be used. That remains to be sorted out. What is clear is that hazmat teams and biomedical cleanup are not inexpensive..

With adequate planning involving your legal and insurance advisors, you stand a better chance of protecting your residents and your business from Ebola contamination costs and liabilities.

*Reuters Limited, October 2, 2014

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