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President and Chief Operating Officer
Henry H. Chamberlain, APR, FASAE, CAE

BOMA International
Conference & Expo
June 27-30, 2020
Pennsylvania Convention Center
Philadelphia, PA

April 16, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC

The Honorable Mitch McConnell
Senate Majority Leader
U.S. Senate
Washington, DC

The Honorable Kevin McCarthy
House Minority Leader
U.S. House of Representatives
Washington, DC

The Honorable Charles Schumer
Senate Minority Leader
U.S. Senate
Washington, DC

Dear Speaker Pelosi, Majority Leader McConnell, Minority Leader McCarthy, and
Minority Leader Schumer:

On behalf of our 20,000 members nationwide, we would like to thank Congress for its leadership in passing the *CARES* Act, providing emergency economic support for our nation's struggling business community in response to the COVID-19 pandemic. While the *CARES* Act has brought much-needed relief to many businesses around the country, we believe much more will be needed in the following months.

As the owners and managers of commercial properties representing 6.6 billion square feet of privately-owned office space, we can attest that rental income shortfalls are projected to reach historic levels for the months of April and May. Projecting forward, the industry is bracing for continued economic disruptions through the rest of the year.

Despite these shortfalls, the financial obligations to lenders, state and local taxes, utilities, insurance premiums, and the 1.4 million real estate-specific jobs directly supported by BOMA members still need to be met. These jobs include property managers, building engineers, repair technicians, cleaning staff, landscapers, and security professionals, all of which are dependent on collected rental income.

The commercial real estate sector is working hard to help limit the spread of the virus while continuing to support essential services as part of the nation's critical infrastructure. As Congress considers additional legislation and relief packages, we stand ready to assist in any way we can to find comprehensive solutions that will help sustain our industry during these unprecedented times.

In the near-term, we offer the following suggestions for consideration:

- **Payroll Protection Program (PPP) Improvements.** The PPP is providing immediate relief to individuals, families, and small businesses. Unfortunately, many are having severe difficulties accessing the provided funds, leaving many businesses struggling to find needed financial resources. The Real Estate Roundtable recently outlined an eight-point plan to address many of these problems. As a member of the Roundtable, BOMA strongly supports their outlined improvements.
- **Business Interruption/Pandemic Risk Insurance.** Current risk coverage policies for many businesses are proving inadequate to cover the losses associated with



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the COVID-19 pandemic. Pandemic occurrences are often excluded in general policies creating a significant problem for both insurers and insureds. The future need for greater business interruption or pandemic risk insurance will be significant, though we fear the availability of these policies may be dramatically diminished. We encourage Congress to work with the real estate community to create a public-private partnership similar to the Terrorism Risk Insurance Act (TRIA) to ensure future insurance needs are met.

- **Liability Protection for Property Owners and Managers.** Recent guidance from the Centers for Disease Control and Prevention (CDC) states: “Pre-Screen: Employers should measure the employee’s temperature and assess symptoms prior to them starting work. Ideally, temperature checks should happen before the individual enters the facility.” If this guidance becomes an expectation for building personnel to check temperatures of tenants and their guests at the point of building entry, we anticipate numerous challenges:
 - Building staff are not trained to implement medical care. Training for all building staff would require significant financial investments.
 - Necessary medical equipment, including personnel protection equipment and heat-sensing devices, are not available for every building. Federal support and resources would be needed.
 - Express federal (and state) liability protections for building owners, managers, and employees would be required.
- **Financial Assistance for Trade Associations.** While the CARES Act provides some resources to trade associations, the PPP specifically excludes 501(c)(6) associations. BOMA International is a federated structure of 88 individual local associations around the country. Our local associations are facing tremendous financial losses stemming from event cancellations and dues revenue declines. BOMA members are relying on our local associations to provide them with COVID-19 related educational resources, building operation best practices, re-entry procedures, pandemic planning guides, and numerous other critical support services. Without access to these loans, many local associations will not be able to continue to employ the staff that are creating and disseminating these necessary resources. We respectfully ask for an immediate technical correction to the CARES Act to allow 501(c)(6) organizations access to the PPP so our local associations can continue to support our industry and our communities.

We appreciate your consideration of these suggestions and thank you for your leadership during these difficult times. We look forward to working with you on these important issues.

Sincerely,

Henry Chamberlain, APR, FASAE, CAE
 President and COO
 BOMA International

Scott O. Jones, PE
 Chair and CEO
 BOMA International