



Ohio Agent's Guide for Commercial Lease Insurance Requirements

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Legal Disclaimer

This material is intended to provide you with general background and insight. The material does not constitute, and should not be regarded as, legal advice regarding any particular facts, circumstances, or issues. This material is not intended to serve as a substitute for legal counsel, and we advise you to contact legal counsel for specific analysis, drafting and advice.



Commercial Lease Insurance Requirements

A practical checklist for insurance agents reviewing lease-related coverage requirements

Use this checklist to review commercial lease insurance requirements with greater clarity and consistency. It is designed to help insurance agents identify common coverage issues, document recommendations, and reduce the risk of gaps or E&O exposure while staying in an advisory role.

Scope of review: Reviewing commercial lease insurance requirements (*insurance review only, not legal advice*) helps keep agents focused on coverage implications, documentation, and client guidance without crossing into legal interpretation. Industry guidance commonly emphasizes reviewing required coverages, endorsements, and compliance documentation while encouraging legal counsel for interpretation of lease terms.

How to Use This Checklist: Start with the lease's insurance section and review each item against the client's current policies, endorsements, and certificates. Use the checklist to flag questions, document recommendations, and note any issues that should be referred to legal counsel or other advisors.

Before the Lease Is Signed

Confirm the client entity

- Landlord
- Tenant
- Property manager / entity structure clarified

Request the insurance section of the lease early

- Insurance requirements
- Indemnification / hold harmless language
- Additional insured and waiver of subrogation clauses

Encourage legal review

- Advise client to have legal counsel review lease terms
- Document recommendation in writing

Required Coverages & Limits

Identify required insurance types

- Commercial General Liability (CGL)
- Commercial Property
- Business Income / Extra Expense
- Workers' Compensation (if applicable)
- Umbrella / Excess Liability

Verify limits

- Per occurrence limits
- Aggregate limits
- Any required increases during lease term

Confirm policy form compatibility

- Occurrence vs. claims-made
- Endorsements available to meet lease terms

Additional Insured & Policy Endorsements

Additional insured requirements

- Who must be named?
- Ongoing operations only or completed operations?
- Primary and non-contributory wording required?

Waiver of subrogation

- Required for liability?

- Required for property?
- Required for workers' compensation?
- Endorsements added where needed

Loss payee / mortgagee clauses

- Required by lease?
- Correct entities listed

Property, Improvements & Betterments

Clarify what property the client must insure

- Building
- Tenant improvements / build-outs
- Fixtures and permanently installed items
- Business personal property

Confirm insurable interest

- Ownership vs. responsibility
- Lease language reviewed for insurance impact

Review valuation

- Replacement cost vs. ACV
- Adequate limits include improvements, betterments, and business personal property

Indemnification Awareness

Identify red flags

- Broad or one-sided indemnification
- Tenant indemnifying landlord for landlord negligence
- Obligations extending beyond insurable risk

Agent action

- Flag potential insurance gaps
- Refer client to legal counsel
- Do NOT interpret enforceability

Certificates of Insurance (COIs)

For landlords

- Require COIs before occupancy
- Review—not just collect
- Track renewals and expirations

Check COIs for accuracy

- Correct limits
- Additional insured status shown
- Policy dates align with lease term
- Required endorsements included

Educate client

- COIs do not extend or amend coverage

Documentation & E&O Protection

Document all recommendations

- Coverage discussions
- Endorsement limitations
- Legal review referrals

Use clear language

- “This is an insurance review, not a legal opinion”
- “Some lease obligations may be uninsurable”

Confirm final placement

- Coverage aligns with lease insurance requirements
- Client acknowledges remaining gaps, if any

Prepared as a practical resource for OIA members and agency teams.

Best Practice Reminder

A lease can require more insurance than a client expects, but insurance can only respond within policy terms. Identifying that difference early helps protect both the client and the agent.

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Additional Guidance: *Encourage clients to review lease-related legal and financial concerns with their attorney, banker, and CPA as appropriate, and to confirm they are meeting applicable legal and contractual requirements.*