



# COVID-19

## GUIDELINES AND SUGGESTIONS FOR REOPENING



**Several federal, state and local authorities are now encouraging the phased reopening of public facilities. As a result, community associations are considering reopening previously closed or restricted amenities. The following guidelines and suggestions should be considered as this process begins. Note: it is recommended the Board review any contemplated relaxation of restrictions with legal counsel and other professionals prior to implementation.**

## General Principles

Many of the general principles and guidelines for dealing with the current COVID-19 crisis were discussed in the Sentry Management document *COVID-19: Frequently Asked Questions for Board Members* (Click here [COVID-19 FAQ](#)) nonetheless, they bear repeating:

- Communication. During times such as these, this cannot be stressed enough. The residents want to be informed.
- Exercise good business judgment. Does the plan make sense? Does it reflect reasonable care?
- On occasion, an emergency will arise that requires immediate attention and decision. Ahead of this type of event, consider passing an emergency action resolution allowing that one or two directors may make an emergency decision
- Follow the guidelines set out by the various governmental authorities. Resist pressure to take actions that might impact the safety and welfare of the community and its residents, even though the government guidelines are loosening up restrictions.
- Set expectations to meet reality – avoid making promises that cannot be delivered.
- Continue utilizing the official channel of communication established (or create one if not done so already).

## Plan Outline Guidelines

It is important to understand that every community will need to develop its own plan based on several factors such as what regulations are in place and can the plan be implemented from an expense and available personnel perspective. The plan should reflect the phases that could occur, such as capacity restrictions that loosen over time. Other questions to consider that may impact the actions taken:

- Has the community had instances of exposure or infection? This may affect the types of guidelines put in place and more stringent cleaning protocols.
- What is the demographic of the residents? Does the community have a population that is more susceptible to contracting the virus? If more residents are in the high-risk category, consideration should be given for tighter restrictions.
- Does the association have the ability to meet the requirements established by the governing authorities? This point will be covered in more detail.
- Will the amenities be open to residents only? It is suggested that initially, the amenities are only open to residents to minimize exposure.
- What access to outside visitors will be given? As noted in previous communications, consideration should be given to caretakers, close family, and providers of essential services.

The starting point for all plans needs to begin with an understanding of the governing documents of the association and the regulations that apply, whether from the state or local municipalities. These regulations have been a moving target and need to be closely monitored with the help of legal counsel. Not taking the appropriate actions could be the basis for liability and lawsuits. It is recommended to start with those that are the most restrictive as this will provide maximum protection to all parties. Also



consider a phased approach when developing the plan. Remember, just because states are reopening, does not mean the association is required to reopen as well. A well thought out transition will be important to the success of the reopening process.

Communicate to all residents that “we are in this together” and that as the restrictions are eased, it will take the cooperation of all residents to make it successful.

## Overall Guidelines for Amenities

It is becoming more evident that there will be a “new normal” as emergence from this pandemic occurs. For example, it is likely that social distancing, the accessibility and use of hand sanitizers, and increased cleaning and sanitizing will be part of standard operating procedures in the future. Each amenity may be treated differently, depending on the layout of the facility and the ability to meet the various guidelines.

Cleaning and sanitization will apply to almost all indoor and outdoor amenities; however, the treatment of each may vary slightly. As a result, considerations need to be given to the following questions:

- Does the association have the capability of meeting the regular cleaning and sanitizing requirements that have been imposed? For example, does the staff exist, whether employees or contractors? Does a third-party vendor need to be considered?
- Do regulations exist limiting who can provide the various services required?
- Does the budget exist to meet additional operating costs?

Some suggestions to put into the plan:

- Staffing plan where required and available.
- Capacity restrictions for amenities such as gyms, clubhouses, and pools.
- Hours of operation – initially consider limiting the number of days and hours each day to be opened.
- Requirements, if any, of personal facemasks
- Provide a schedule of cleaning and communicate that to the residents.
- Create the cleaning protocols and provide disinfecting wipes and means for hand sanitization.
- Determine the need for a deeper clean and sanitization that may need to occur and engage a third-party vendor who has this expertise. In-house maintenance typically does not have this capability.
- Keep good documentation of the protocols put into place in relation to COVID-19
- Notice needs to be provided indicating that Association efforts to clean and sanitize cannot be guaranteed given the ever-evolving state of medical knowledge of COVID-19.

## Specific Amenities

### Swimming Pool Area

It is likely that this is the amenity that is receiving the greatest pressure to open, particularly in Florida and Arizona. There are many factors to consider such as the size of the pool, population of the association and the resident demographics. Suggestions and points of consideration include the following:

- Adhere to the local government guidelines and restrictions such as social distancing etiquette.
- Restrict occupancy to allow proper distancing.



- Post the temporary rules and virus warnings at all points of access consistent with approved guidelines.
- Provide hand wipes and hand sanitizer or requiring users to bring their own.
- Consider removing all pool furniture in the short term but allow users to bring their own lawn chairs.
- Ideally, an attendant should be on site to oversee compliance with the rules and guidelines. Generally, this is not practical, and trust needs to be placed in the residents to follow the guidelines with an understanding that closure could happen again for non-compliance.
- Consider a phased opening with certain hours on certain days. This will allow time for proper cleaning and maintenance.
- Limit the types of pool toys that can be brought in, perhaps only allowing flotation devices for those who need them.

**Exercise/Workout Room:**

Gym areas have many similar requirements and, in many cases, may be more restrictive because it is indoor. Social distancing is required as well as the necessity of posting rules and warnings. Other suggestions to consider:

- Provide hand wipes and hand sanitizer or requiring users to bring their own. Wiping down the equipment after usage is required.
- Remove certain pieces of equipment if adequate sanitization is not feasible. Some have suggested that every other piece of equipment be closed for usage. A survey of residents to determine which equipment is most important could provide guidance.
- If possible, consider requiring advance reservations.
- Restrict occupancy to allow proper distancing.
- The usage of face masks may not be practical but could be part of the overall plan.

**Clubhouse or other indoor facilities:**

Indoor facilities carry more inherent risk and proper guidelines and care need to be exercised.

- Proper social distancing etiquette of 6 feet to be practiced. Restrict occupancy of the facility to allow for this requirement.
- Posting temporary rules at the door with the approved guidelines.
- Face masks should be worn.
- Providing hand wipes and hand sanitizer or requiring users to bring their own.
- Where appropriate consider removing or restricting use of all seating but allow users to bring their own chairs.
- No games, meetings, gatherings or events with more than 10 participants (based on local guidelines) and then with proper distancing and wiping down of all surfaces after use.

**Tennis Courts, Pickleball Courts, Bocce Courts, Shuffleboard Courts and other Sport Courts:**

Outdoor facilities carry less risk; however, similar guidelines need to be followed:

- Proper social distancing etiquette of 6 feet to be practiced by all users and spectators.
- Posting temporary rules and virus warning at the courts consistent with approved guidelines. Face masks should be considered.
- Providing hand wipes and hand sanitizer or requiring users to bring their own.
- Consider removing or restricting use of all spectator seating but allow users to bring their own lawn chairs.





- Any association-provided equipment shall be wiped down by the user before returning to storage or prior to giving to the next user in line.
- The USTA has issued guidelines for tennis facilities/players. This body suggests simple items such as singles play only is preferable, staying 6 feet apart, use your own canister of balls, remain on one side of the court, etc. See the site by clicking this link.  
<https://www.usta.com/en/home/usta-covid-19-updates.html>

#### **Spa/Jacuzzi/Sauna or Steam Rooms (multi person):**

It is recommended that these facilities remain closed until further guidance is provided by local authorities. If it is determined to open these amenities, consider the following:

- Posting temporary rules and virus warning at all points of access consistent with approved guidelines.
- Proper social distancing etiquette of 6 feet to be practiced by all users. Consider restricting occupancy to allow proper distancing.
- Face masks to be worn.
- Providing hand wipes and hand sanitizer or requiring users to bring their own.

#### **Restaurant/Bar/Food and Beverage Areas**

Generally, it is suggested to follow the guidelines established by local authorities, for example: limit the occupancy to a certain percentage, proper distance between tables, utilization of masks and appropriate cleaning after use.

## FAQ

#### **Should the Board allow homeowners to sign a waiver, releasing liability, in order to utilize amenities?**

In speaking with insurance agents who specialize in association policies – most have indicated that waivers of this type are typically not advised. This is especially true in the case of COVID-19, which is infectious and can be spread to individuals who were not party to the waiver. It is imperative for Boards taking this path to seek counsel with their insurance agent and legal counsel, and any such waiver should be written by an association attorney.

#### **Should the Association post signs that establish ‘use at your own risk’ or ‘This area not 100% COVID-19 free,’ including recommendations for handwashing, etc.?**

The general answer to this is no. While there may be a small benefit in creating expectations for facility users and adding to the list of defenses in court, this is a dual edged sword. This type of signage may inadvertently assert that the association is monitoring the behaviors of facility users. This leaves the association extra vulnerable. Again, legal counsel is imperative.

#### **Can volunteers be used for cleaning? What about monitoring for compliance?**

It is not advisable to allow volunteers to clean or monitor the facilities. The risk is high and it is likely that insurance coverage would not be effective in the event of any issue. Contact your legal counsel and insurance professional if this action is being considered.

#### **What enforcement means should the association undertake?**

If violations of the regulations put into place occur, it is recommended that action be taken as the activity may be in violation of local law, and equally or more important, these actions may be putting



residents at risk. If violations continue, the residents need to understand that this could result in the amenity(ies) being closed again.

**How do we obtain the required hand sanitizers and other needed equipment and supplies?**

Contact your Sentry Management Community Manager for the options available.

**What if the Association guidelines are more restrictive than the municipality?**

Regardless of the decisions made by the board, criticism will be forthcoming. As noted earlier, the responsibility of the board should not be confused with the government regulations and guidelines being put forth. It is recommended that the board err on the side of caution and follow their best business judgment.

**Memorial Day is right around the corner and many residents want to use the grills and patio areas.**

**What guidelines and protocols should we establish?**

The social distancing guidelines need to be followed, as well as established protocols for cleaning and maintenance. Owners need to properly clean after use. The association may want to consider staffing a maintenance or janitorial person to clean the equipment area after each use during the holiday weekend. In all cases, common sense should rule.

**How should the association prepare for anything like this in the future? Should the governing documents be reviewed and appropriate revisions made?**

It is advisable to meet with legal counsel and consider appropriate revisions or additions, such as guest restrictions or what emergency powers could be utilized by the board.

## Resources on COVID-19

- White House [Opening Up America Again](#) Guidelines
- Coronavirus.gov (White House/CDC/FEMA): [www.coronavirus.gov](http://www.coronavirus.gov)
- U.S. Department of Health and Human Services: [www.hhs.gov/coronavirus](http://www.hhs.gov/coronavirus)
- U.S. Centers for Disease Control and Prevention (CDC): [www.cdc.gov/coronavirus/2019-ncov](http://www.cdc.gov/coronavirus/2019-ncov)
- FEMA COVID-19 Response: [www.fema.gov/coronavirus](http://www.fema.gov/coronavirus)
- U.S. Office of Personnel Management: [www.opm.gov/policy-data-oversight/covid-19/](http://www.opm.gov/policy-data-oversight/covid-19/)
- National Institutes of Health: [www.nih.gov](http://www.nih.gov)
- U.S. Department of Labor: [www.dol.gov/coronavirus](http://www.dol.gov/coronavirus)
- Occupational Safety and Health Administration: [www.osha.gov/](http://www.osha.gov/)
- General Services Administration (GSA): [www.gsa.gov/governmentwide-initiatives/emergency-response/covid19-coronavirus](http://www.gsa.gov/governmentwide-initiatives/emergency-response/covid19-coronavirus)