

# Community Associations & COVID-19

## FAQ



### COMMON AREA FREQUENTLY ASKED QUESTIONS

**Are community managers and board members encouraging residents to wear cloth face coverings in common areas of associations based on the new CDC recommendation? And if so, how are they advising these individuals?**

We recommend that the community manager or board communicate to the unit owners the need to wear a facial covering, and preferably gloves, anytime they exit their unit. Even if it is to go to the laundry room or some other common area, as anything that reduces the likelihood of transmission from one person to another benefits everyone.

**Can we close our gym, business center or other shared facility because of COVID-19?**

The answer is yes. As the number of COVID-19 cases increases nationwide, many boards are faced with a difficult business decision — should we (and can we) close common facilities? Indeed, most governing documents provide clear authority to the board to “operate, manage, and supervise” common facilities, which could include suspending their operation.

If the board believes that closing a gym, business center or community room is in the interest of the health and safety of residents to minimize the spread of disease, this is arguably a defensible, sensible business decision under the governing documents. If a board makes this kind of decision, we recommend making the rationale clear in a written communication to the members.

**How should an association regulate a communal laundry room?**

It may not be reasonable to shut down a community’s laundry room. However, social distancing needs to be kept in mind when developing procedures to use this facility. This is a great situation to create a schedule for residents to use the facility. An example would be designating a specific day each floor has access to the communal laundry room.

**If a resident has a reasonable accommodation to use the community swimming pool, is it reasonable to open up a closed pool for this individual or will this create a discrimination claim?**

This is a case by case basis. Residents and boards should be reasonable during these times. It is important to consider if opening closed common areas would violate your respective state’s state home order, violating state law.

**Should associations carry out enhanced cleaning of the common areas?**

Probably so. The CDC has indicated that the virus is vulnerable to wipe-downs and cleaning solutions, so enhanced cleaning protocols can only help. However, the Association should not represent that the common areas are “virus free,” particularly as residents and guests will surely traverse the areas in an ongoing way. There is no way to guarantee complete sanitization.

## **Should associations consider adding additional cleanings to their budget?**

Communities should consider this budget adjustment based on their type of community structure and the risks and liabilities attached to whether or not they increase their cleaning budget. This should be considered by management and boards moving into the 2021 budget cycle. Jessica Towles, CMCA, AMS, PCAM

## **What is the Board's duty to act to reduce contamination in the community?**

While associations have a general duty to keep common areas safely maintained, a pandemic emergency of this type is different than more typical common area safety issues. In short, there is no action an association can take to guarantee that the common area is totally clear of the virus, especially as residents come and go on an ongoing basis. What the Board can do is utilize expertise of the CDC and other government authorities to implement recommended strategies to minimize the spread of the disease and have as safe an environment as reasonably possible. We see associations taking the following steps:

- Closing various amenities, including gyms, clubhouses, community rooms and similar areas.
- Requiring residents and guests to "stand back" a respectful distance from staff and concierges.
- Limiting in-person access to site staff and other association personnel
- Limiting repair work to "essential only," in order to minimize contractor traffic, as well as entry by other service providers;
- Enhanced cleaning of surfaces (from elevator buttons to handrails), multiple times per day.
- Placement of hand sanitizer and wipes throughout the buildings and other Association facilities, to the extent supplies are available.
- Encouraging residents to limit guests as much as possible, particularly those with symptoms.
- Asking that residents disclose if they are in quarantine or test positive, so that the association can consider whether additional mitigation measures need to be implemented to ensure a successful quarantine.

## **Should associations begin to create a plan for reopening common areas?**

It is important for boards and managers to begin to develop a plan to safely reopen common areas now for when state orders allow a community to do so.

### **Industry Experts on COVID-19 Common Area FAQs:**

- Edmund Allcock, Esq., CCAL, Marcus Errico Emmer Brooks PC, Braintree, Massachusetts
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## **RESOURCES**

Now is a good time to remind community association residents, board leaders, and managers of their [Rights & Responsibilities for Better Communities](#) and the [Community Association Civility Pledge](#).

View the latest COVID-19 resources and guidance from CAI by visiting [www.caionline.org/coronavirus](http://www.caionline.org/coronavirus).

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