



## COMMUNITY ASSOCIATION POOLS & COVID-19

Governor DeWine is allowing swimming pools to re-open on May 26 so long as a laundry list of precautions are followed. The requirements affect pools regulated by local health departments. (Private residential pools are not impacted.)

The CDC has stated that there is currently no evidence that COVID-19 can spread through pool water, hot tubs, or water play areas when proper operating and maintenance is followed.

So, now that pools in Ohio can open and there is good news from the CDC about the potential spread of the virus, the question you need to ask is: “Should we open our community pool this year?”

Remember, boards have the ultimate authority to decide whether they can open pools and abide by the Governor’s mandate and, even if they can, whether that expenditure of such resources is in the association’s best interest.

If the answer is Yes, let’s talk about how to go about that to keep your members and guests safe.

- **Read the Governor’s mandate to ensure compliance.**
  - Required signs to communicate rules to users
  - Public restrooms must be specifically maintained
    - Cleaned every 2 hours
  - Physical barriers or visual cues marking 6 feet of separation in and outside of the pool
  - Regulation of number of people in the pool
    - Can everyone abide by social distancing practices of remaining 6 feet apart if the pool occupancy is at capacity?
  
- **Other concerns specific to HOAs:**
  - Allow for shifts
    - Imagine groups in two- or three-hour increments and then a break for cleaning before the next wave comes in.
  - Ensure pool furniture is 6 feet away; do not allow the furniture to be moved; even consider removing it!
  - No guests- only owners/residents with valid pool passes
  - Eliminate swim lessons, parties, exercise classes, etc.
  - Have discussions with your pool maintenance company/lifeguard staffing agency to understand what they are doing to ensure safety

- **Consult with your insurance agent to ensure proper general liability and D&O coverage.**
    - Many liability policies have virus exclusions. D&O policies have exclusions for personal injury.
  
  - **Call me with specific questions.**
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*For more information on this topic please contact:*

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**This paper is not intended to be exhaustive on the subject matter nor to provide legal advice to the reader.**