

COVID-19 and Community Associations

03.18.20

The Coronavirus (COVID-19) outbreak presents unique issues for community associations. Particular areas of concern are:

- **Annual Meetings** – Member meetings required to be held at least once each year
- **Board Meetings** – Director meetings that must be open to members of the Association
- **Community Events** – Public gatherings and event reservations
- **Amenities** – Areas maintained by the Association, including pools and fitness centers

Should an Association provide public announcements to the community?

General safety information is best left to the agencies and organizations responsible for public health concerns and for the dissemination of timely updates and information. CDC summed it up best when it described the COVID-19 situation as “an emerging, rapidly evolving situation.”

Helpful links to provide to residents are:

1. Centers for Disease Control and Prevention (www.cdc.gov)
2. Local Government (County/City) COVID-19 Links (e.g., www.traviscountytx.gov)
3. Community Associations Institute (www.caionline.org/pages/coronavirus.aspx)

By pointing residents to resources and agencies instead of providing guidance, you avoid the risk that the information provided is inaccurate or stale.

Should the Association proceed with member meetings and annual meetings?

Typically, annual meetings involve a gathering of **at least** ten people in a single room. By way of example only, on Tuesday, March 17, 2020, the City of Austin and Travis County issued emergency orders prohibiting public or private “Community Gatherings” until May 1, 2020. The orders define a “Community Gathering” as “any indoor or outdoor event . . . that brings together or is likely to bring together ten or more persons at the same time in a single room or space.”

Compliance with restrictions such as these will require postponement of group meetings; however, Associations should consult with their legal counsel to confirm the best way to conduct business while ensuring compliance with applicable law and the Association’s governing documents.

What about Board Meetings involving fewer than 10 attendees?

Your counsel should be able to advise you with regard to the availability of electronic meetings or the ability to approve certain items by unanimous consent of the Board of Directors. Other possibilities include the use of telephonic conference bridge lines to continue to hold open board meetings.

Should common areas and amenities be temporarily closed?

Discretion should be exercised. If an Association is adhering to the ten-person rule, it may not be practical to keep certain facilities open for such limited purposes. Still, facilities such as outdoor tennis courts that are not confined spaces and feature activities and uses that involve fewer than ten participants may still be used. Associations should take note that there are various online resources that provide guidance on cleaning procedure recommendations and preventative disinfecting measures such as hand sanitizer stations and disinfecting wipes:

<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>

Conclusion

One month ago, most Americans had never heard the word “Coronavirus.” Today, the outbreak has invaded every segment of society across the globe. Associations are not immune, and those responsible for community governance and administration should continue to look for updates, recommendations, and information about how best to manage their respective communities during this crisis period.

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