

Governor Brian Kemp has issued a series of Executive Orders allowing businesses to begin gradually re-opening across the State, under strict health and safety guidelines beginning April 24th, 2020. Balancing potential legal liability, health and safety precautions and resident demands are all critical components that must be considered as property owners and managers make the individual business decisions on when and to what extent their communities will re-open in the coming weeks and months.

As they have done throughout this crisis, AAA leadership virtually gathered to share their knowledge, experiences, concerns and resources to develop the best practices to consider for a gradual re-opening of offices and amenities to residents. This is a living, working document that we will continue to update with new information, strategies and guidelines as we all move through this together.

The information in this document is a compilation of the thought leadership in our market today. It is general in nature and not intended to serve as legal advice, and may not be applicable to the specific fact circumstances for all owners and managers. For specific legal advice, please consult your attorney.

OVERALL CONSENSUS - GRADUAL, PHASED APPROACH TO RE-OPENING

Re-Opening of Leasing Offices

Phase 1 – As early as Monday, April 27th

- Allow office employees to return to leasing offices, but keep offices locked.
- Maintain basic operations as they have been through “shelter in place” with virtual and self-guided tours.
- Focus on “Stocking Up” on PPE and Cleaning/Sanitation Supplies

Phase 2 – Memorial Day Weekend or mid to late May

- Open leasing offices by appointment only
- Require Employees and Prospects/Residents to wear PPE (Mask)

Phase 3 – June or Later Depending on Conditions

- Open leasing offices to the public
- Consider PPE Requirements based on conditions
- Hope to return to routine maintenance and operations by July

****IMPORTANT CONSIDERATIONS****

- Substantial Supply of PPE (Masks) for all on-site staff and prospects.
- Supply of thermometers
- Determine Internal Policy when and where employees must wear masks
- Consider potential signing of waivers before prospects begin on-site tours
- There is currently no legislative immunity for premises liability or negligence claims related to COVID-19 for our industry, if health and safety guidelines are being followed.

Re-Opening Resident Amenities

POOL AREAS

Phase 1 – As early as Monday, April 27th

- Determine social distancing and PPE policies and communicate to residents before opening.
- **On May 12th, the Governor's Office confirmed that all swimming pools may open as early as May 13th, subject to local permitting.**
 - **The Fulton County Health Department began scheduling pool permit inspections on May 13th.**

Phase 2 – Memorial Day Weekend or mid to late May

- Recommend requiring residents to sign waiver before use of pool area.
 - GAA Waiver is available to members for use with GAA lease.
- If re-opening is permitted through local permit, consider limiting access to no more than 10 residents allowed in pool area at a time and/or requiring reservations through online platforms.

Phase 3 – June or Later Depending on Conditions

- Re-open pools to regular summer season use but post safety and social distancing guidelines.

****IMPORTANT CONSIDERATIONS****

- Consider following opening schedules for other public and private pools in the surrounding area.
- Consider removing some and/or rearrange pool furniture to enforce or encourage social distancing.

FITNESS CENTERS

***** Upon hearing our industry's concerns, Governor Kemp's Office provided a revised set of guidelines for re-opening gyms and fitness center on May 12th, specifically clarifying that any required screening, active monitoring and policing of patrons using the fitness centers applies only to facilities that have onsite staff available to carry out those tasks, thus exempting apartment community passive use fitness centers from those requirements.*****

Phase 1 – As early as Monday, April 27th

- Ensure each community has a substantial supply of cleaning and sanitation supplies including gym wipes and PPE (Masks) for staff and residents.
- Work with legal counsel to determine liability and risk given the Governor's revised guidelines for re-opening of gyms and fitness centers.

Phase 2 – Memorial Day Weekend or mid to late May

- **Consider re-opening ONLY if all (revised) applicable health and safety guidelines required by the Governor's office can be met during resident use.**
- Consider re-opening by reservation or appointment only to limit number of occupants using facilities at any given time.
- Recommend requiring residents to sign waiver before use.
 - GAA Waiver is available to members for use with GAA lease.

Phase 3 – June or Later Depending on Conditions

- TBD as health and safety guidelines and restrictions may be further eased.

****IMPORTANT CONSIDERATIONS****

- **The health and safety guidelines for re-opening of gyms and fitness centers issued by the Governor's Office on May 12th, 2020 include:**
 - Placing signage at any entrance to instruct patrons that they cannot enter if they have been diagnosed with COVID-19, had symptoms of COVID-19, or had contact with a person that has or is suspected to have COVID-19;
 - Placing signage at any entrance and throughout the facility to instruct patrons of the enhanced sanitation procedures, Social Distancing requirements, and other instructions and limitations, as applicable, set forth below;
 - Limiting occupancy to enforce Social Distancing requirements and to prohibit Gatherings;
 - Utilizing contactless forms of patron check-in;
 - Providing hand sanitizer stations as available for patrons;
 - Providing antibacterial sanitation wipes as available at or near each piece of equipment and requiring users to wipe down the equipment before and after use;
 - Limiting use of cardio machines to every other machine or distancing machines to maintain acceptable Social Distancing between users;
 - Enforcing Social Distancing and prohibiting congregating between non-cohabitating patrons, especially in pools, group fitness classes and in areas where group sports regularly occur;
 - Encouraging patrons to conduct their workout and exit the facility without unnecessary delay;
 - Closing the following facilities and equipment within a gym or fitness center: hot-tubs, saunas, and steam rooms;
 - Requiring patrons to spray showers a provided cleaning spray after use; and
 - In addition to the regular cleaning schedule, cleaning and sanitizing high touch surfaces, bathrooms, and locker rooms regularly throughout hours of operation;
 - Prohibiting patrons from sharing equipment without cleaning and sanitizing between uses;
 - Practicing Social Distancing between trainers and patrons as practicable;
 - Requiring no less than ten (10) feet of distance between patrons participating in group fitness classes; and
 - Requiring rooms and equipment used for group fitness classes to be disinfected between classes.

Our interpretation of the Governor's Executive Order issued on May 12th 2020, is that passive use fitness centers within private residential communities are exempt from the following guidelines (which were previously required for all gyms and fitness centers):

- If Workers are present at the gym or fitness center, screening patrons at entrance. Patrons exhibiting a temperature greater than 100.4 degrees Fahrenheit, cough, shortness of breath, or other respiratory symptoms shall not be permitted to enter;
- Requiring workers, if any, to patrol patron areas to enforce the equipment wipe-down policy and conduct additional cleanings during times when equipment is not being used;

Potential Long-Term Operational Changes

CLEANING PROTOCOL

- Outsource cleaning of all units.
- Frequent deep cleaning of common areas and amenities.
- Increased safety guidelines for employees and amenities.
- Implementing the use of “Fogging” devices to sanitize units, common areas and all surfaces instead of “Wiping Down” with more traditional cleaning supplies.

SUPPLY STOCK

- Maintain a larger stock of cleaning supplies and PPE for potential public health emergencies in Fall 2020 Flu season and beyond.

VIRTUAL OFFICES

- Based on current productivity and efficiency of office staff, some companies are considering maintaining partial or full remote working options.

VIRTUAL AND SELF-GUIDED TOURS

- Possible continued use of virtual and self-guided tours as an option for prospective residents even as leasing offices open to the public.

SUPPLIER RESOURCES FOR CLEANING AND PPE

- Cleaning and Sanitation Products (Supplies may be limited or delayed)
 - Gen Eon Sanitizing Technology
 - <https://www.geneontechnologies.com/>
 - Sprayer Depot
 - Curtis Dyna-Fog Hurricane ES
 - HD Pro
 - Clorox Total 360 Sprayer
- PPE Sources
 - Masks
 - KDS
 - <https://www.pillows.com/n95-mask-100.html>
 - Bulk Hand Sanitizer
 - Rent Grata