

Hold Off on Reopening Pools and Gyms in Condos and Coops

Summertime is here, and so is Phase Three of the reopening of New York City following the onset of the COVID-19 pandemic in the United States. For the first time in four months, residents of NYC are beginning to feel a sense of normalcy now that outdoor dining at restaurants is permitted and public beaches are open. Boards of condominiums (condos) and cooperatives (coops) are now under pressure by their unit owners and shareholders to reopen their buildings' amenities, including pools and fitness centers. After all, buildings with such amenities come at a steep price.

However, as of now, public pools and gyms in NYC remain closed. Despite such closings, an open question remains as to whether residential condos and coops are permitted to open their pools and gyms. Without explicit restrictions from the governor and mayor, many boards have taken the position that, because their gyms and pools are private, they are permitted to reopen those facilities. We reached out to the governmental organization, Empire State Development Corporation (ESD), for guidance on this position. The governor charged ESD with providing guidance to businesses with respect to the governor's executive orders and other initiatives of New York state. ESD advised us that private gyms are not permitted to open. We are still awaiting direction from ESD regarding private pools. Nevertheless, our recommendation is to keep private pools closed until there is further clarification from ESD to avoid the issuance of fines and other violations.

In the meantime, boards should consider implementing protocols for their pools and fitness centers in preparation for their reopenings. Use of such facilities will require social distancing and limits on the amount of people who are permitted to congregate. As of now, only gatherings of 10 or fewer people are permitted in New York City. Boards may want to consider a sign-up sheet on Building Link with a health screen and waiver to ensure such requirements are met. To comply with Governor Cuomo's Executive Orders, boards should also require that residents wear face coverings in these common areas, if social distancing of at least six feet is not feasible. New York state issued an [Interim Guidance for Pools and Recreational Aquatic Spray Grounds During the COVID-19 Public Health Emergency](#) for those facilities that are permitted to open. We suggest that boards incorporate these protocols.

Facilities located indoors within a confined space will require stricter guidelines to ensure social distancing and proper cleaning. For example, pool furniture and gym equipment should be appropriately spaced, or even relocated or roped off. Boards may also want to consider closing the pool and fitness center at certain periods of the day to permit a more deep cleaning of these facilities (especially high touch areas such as lockers, furniture, doorknobs, and railings).

We will update this Alert once more information becomes available or we receive further guidance from ESD.



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