

## **Survey Said!**

**By: Scott J. Eriksen, Esq.**

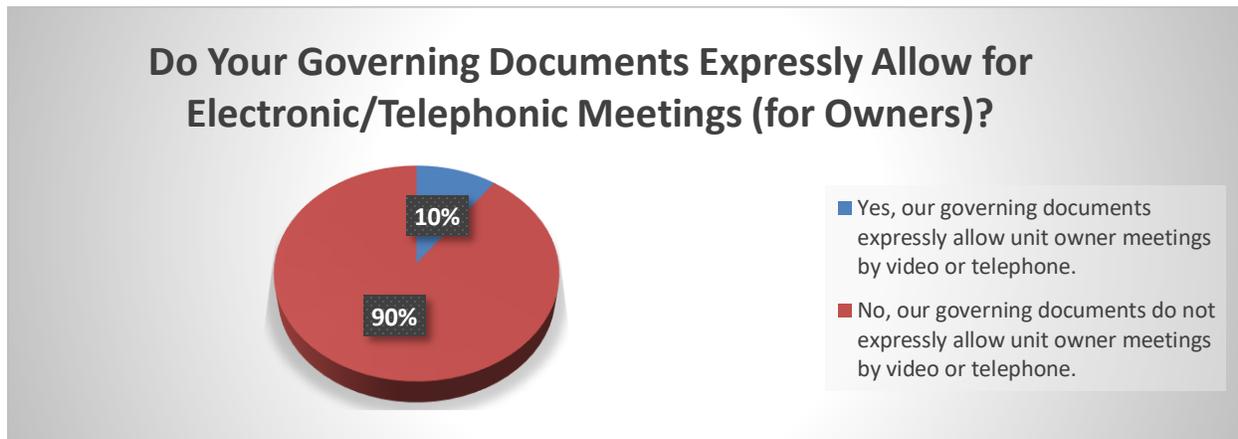
Once again, we want to thank all of you who took the time to participate in our recent survey regarding the impact of COVID-19 at your communities. This year has been incredibly challenging as the pandemic has forced all of us – including community associations and managers – to change the way we operate. It is evident that the health and safety of residents has been the foremost thought of our community association clients and managers this year, and that guiding principle is reflected in the responses that we received from all of you. We have been impressed with the determined efforts that our board and manager contacts have demonstrated. In face of the hurdles imposed by COVID, you have kept your communities successfully operating. You continue to maintain community spirit and involvement, while making necessary repairs and improvements.



Obviously, one of the major challenges for our community association clients this year was how to handle meetings (both owner and Board meetings). Zoom™ and other platforms (that I had never used before February) suddenly became everyday tools, and not just for business purposes. These electronic platforms certainly have their virtues, and have allowed everyone to conduct a significant amount of business that may otherwise have been impossible, but they are not perfect substitutes for in-person meetings. A number of our clients expressed this, and look forward to a return to face-to-face events. In the meantime, however, many continue to do the best they can under the circumstances with “virtual” or electronic media.

An overwhelming number of our respondents indicated, when asked if their governing documents expressly permitted electronic meetings or voting, that they did not. In fact, only 10% of our respondents said that their governing documents included language to allow unit owners to meet by video or telephone. A slightly

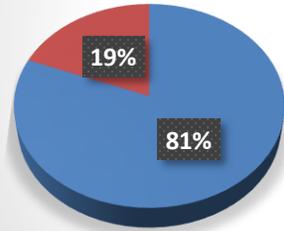
greater percentage of respondents (23%) said that their governing documents expressly allow board members to meet by video or telephone.



This is not surprising. Many governing documents date back years or decades, when the idea of video-conferencing was the subject of science fiction. We do believe it would be worthwhile for our clients to consider updating their governing documents to expressly permit and define the use of electronic meeting and voting platforms. Though we agree that a return to in-person meetings represents the most ideal scenario, we also think it would be useful for communities to have a clear, defined “back-up” plan in place for voting and meetings.

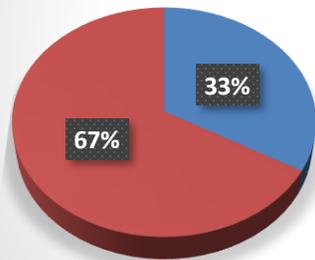
We are also not surprised to see that most of our respondents closed or restricted access to common facilities (including fitness rooms, pools, etc.). This, unfortunately, was our recommended guidance to all of our clients over the past months. It was difficult, no doubt, for many of our boards and managers to deny residents the use of these common amenities, particularly when everyone was more or less forced to remain home, but the costs and oversight associated with operating them safely and in compliance with applicable guidance were often insurmountable. Over 80% percent of our respondents indicated that they closed or restricted access to community amenities (mailrooms, kitchens, pools or gyms), and approximately 33% indicated that work at their properties was delayed or postponed. Also, about a third of our respondents indicated that their communities adopted new, pandemic-prompted rules over the past months to address common area usage.

### Did Your Community Close or Restrict Access to Common Areas/Amenities?



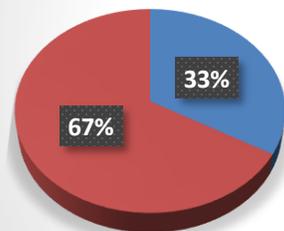
- Yes, we closed or restricted access to some common areas or amenities.
- No, we did not close or restrict access to common areas or amenities.

### Did Your Community have to Delay or Cancel Planned Maintenance, Repairs or Replacement Work?



- Yes, we delayed/cancelled planned work in the common areas.
- No, we did not delay/cancel planned work in the common areas.

### Did Your Community Adopt New Rules in Response to the Pandemic?



- Yes, we adopted new rules in response to the pandemic.
- No, we did not adopt new rules in response to the pandemic.

I conclude this recap with the hope that our days of writing about COVID and its impact are numbered (if not yet over). While I'm writing this, the FDA is on the cusp of authorizing the Pfizer vaccine for distribution, and we sincerely hope that 2021 will mark a return to pre-pandemic normalcy, and quickly. In the meantime,

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we wish all of you a safe, healthy and happy holiday season. If you should have any questions about any of these responses, or the recommendations above, please do not hesitate to contact us.

Thank you again for your participation!

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