



July 2, 2020

Governor Cooper
North Carolina Officer of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Subject: Please Sign HB 902

Dear Governor Cooper:

We write as advocates for community associations and their owners throughout North Carolina. We respectfully request you sign HB 902, passed by the General Assembly last week. HB 902 provides for important immunity from liability to homeowners associations when considering the possibility of opening swimming pools. In addition, HB 902 provides critical clarification for important documentation provided to prospective buyers in the closing process of a home in a homeowners association or condominium.

Our state's **14,000 homeowners associations** and condominium associations are home to an estimated **2.7 million North Carolinians**. Our neighborhood associations, who have millions of dollars in financial obligations and provide vital services to their members, urgently need protection for these nonprofit entities and their board members from COVID-related liability.

Community associations are non-profit organizations led by a board of neighbors elected by neighbors to manage the community and provide essential services for its residents. These essential services, such as trash service, utilities, security services, landscape services, and maintaining community pools and parks, are funded through assessments charged to all homeowners. Volunteer community board members are resigning due to their fear of potential lawsuit exposure.

According to epidemiologists and the CDC, COVID-19 does not live in pool water that is properly maintained. Nevertheless, community associations have other common areas that require special attention if residents are to be using the pool and pool area. Community Associations Institute has published a free guide for all community associations to help them consider responsibility for opening their pool. [Here is a link to CAI's Healthy Communities: COVID-19 & Community Associations Summary of Relevant Centers for Disease Control and Prevention \(CDC\) Guidelines.](#)

While some residents are urging the boards of homeowners associations to open swimming pools, homeowners association boards are considering opening pools responsibly by taking the following precautions:

- Complying, in good faith, with local, state, and federal guidelines to help stop the spread of COVID-19
- Increasing sanitization protocol

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- Restricting the number of residents at the pool to comply with CDC and state guidelines
- Restricting guests from using the pool
- Requiring residents to sign a waiver
- Requiring residents to bring their own chairs and equipment

Unfortunately, community association insurance coverage, like most coverages, does not cover issues related to pandemics. Therefore, community association volunteer boards are very concerned about their personal exposure to lawsuits. At the same time, there is a political divide in these community associations where some residents are urging the opening of pools or threatening lawsuits if the pools are NOT opened. Other residents appreciate the responsible and thoughtful deliberations the boards are taking to consider how and when to open the pool responsibly. Without HB 902, boards of directors may resign for fear of legal liability, and certainly lawsuits will ensue by residents angry because pools are not opening.

Governor Cooper, we share your goal to stop the spread of this pandemic, and community associations in North Carolina remain vigilant in practicing CDC and North Carolina guidelines to help stop the spread. Thank you for your leadership during these very challenging times. You've led with grace and strength.

Stay healthy.

Very truly yours,



Thomas M. Skiba, CAE
Chief Executive Officer
Community Associations Institute (CAI)

About Community Associations Institute

Since 1973, [Community Associations Institute](http://www.caionline.org) (CAI) has been the leading provider of resources and information for homeowners, volunteer board leaders, professional managers, and business professionals in the nearly 350,000 homeowners associations, condominiums, and housing cooperatives in the United States and millions of communities worldwide. With nearly 45,000 members, CAI works in partnership with 36 legislative action committees and 64 affiliated chapters within the U.S., Canada, South Africa, and the United Arab Emirates as well as with housing leaders in several other countries, including Australia, Spain, and the United Kingdom. A global nonprofit 501(c)(6) organization, CAI is the foremost authority in community association management, governance, education, and advocacy. Our mission is to inspire professionalism, effective leadership, and responsible citizenship—ideals reflected in community associations that are preferred places to call home. Visit us at www.caionline.org and follow us on Twitter and Facebook @caisocial.