



COMMUNITY MATTERS

LUEDER, LARKIN & HUNTER

News and Trends in Community Association Law

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COVID-19 Update: Reopening Amenities and Common Areas (as of May 13, 2020)

by | David C. Boy, IV, Esq.

On May 12, 2020., Georgia Governor Brian Kemp issued the attached Executive Order entitled "Reviving a Healthy Georgia" (the "Order") which includes requirements

regarding the operation of community associations and their facilities. The Order is effective from May 14, 2020 through May 31, 2020, or as extended. As associations look at potentially reopening amenities and common areas, including pools, it is essential that associations comply with this Order. The Order provides that any person who violates the Order shall be guilty of a misdemeanor. Additionally, as noted in our firm's client memo on April 23, 2020, associations have exposure to lawsuits and liability if individuals are infected while using association facilities, and the association's insurance policy may not cover communicable diseases. Associations should consult with legal counsel to obtain specific legal guidance prior to opening community amenities, including pools.

GATHERINGS

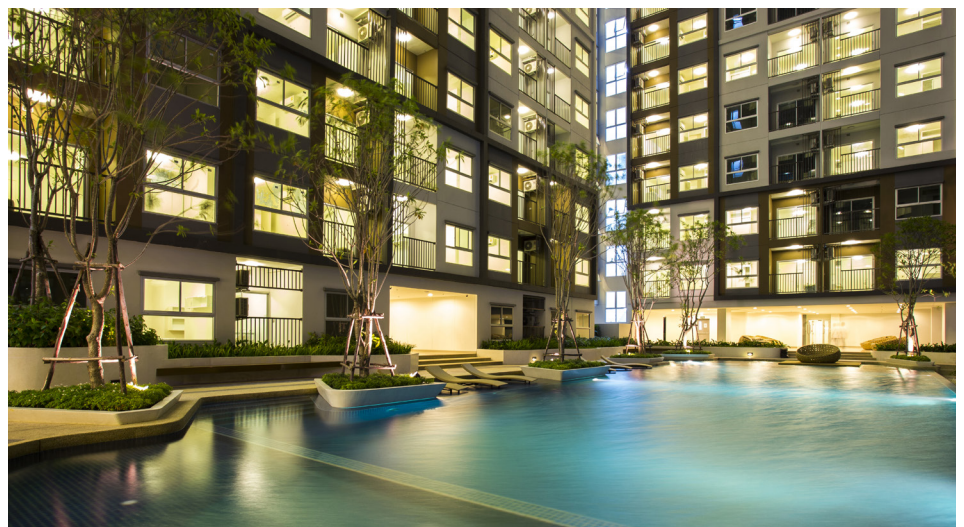
The Order provides that non-profit corporations (which includes community associations) shall not allow "Gatherings of persons." The term "Gatherings" is defined in the Order as "more than ten (10) persons physically present at a Single Location if, to be present, persons are required to stand or be seated within six (6) feet of any other person," but "groups of more than ten (10) people are permitted if their grouping is transitory or incidental, or if their grouping is the result of being spread across more than one Single Location." This would likely prohibit all association meetings and social gatherings occurring on common areas. Our opinion is that the prohibition on Gatherings does not prohibit use of amenities (such as pools, tennis courts, and

fitness centers) provided Social Distancing is enforced by the association and the requirements discussed elsewhere in the Order and below are strictly adhered to.

POOLS

Governor Kemp issued a prior Executive Order on April 23, 2020 providing that public swimming pools were prohibited from opening until that Executive Order expired on May 13, 2020 at 11:59 p.m. Based upon guidance from the Georgia Department of Public Health dated April 28, 2020, "[p]ools operating under County Ordinances, including subdivision, apartment and country club pools" are considered public swimming pools under the April 23rd Executive Order. Accordingly, our firm's opinion was that community association pools were prohibited from opening prior to May 14, 2020. Now, the current Order removes the prior prohibition on operating public pools, but does not provide specific guidance on operating

community pools moving forward. However, Section V of the Order (beginning on page 10) contains several requirements which we believe apply to community associations as non-profit corporations. In addition to the Order, the Georgia Department of Public Health has now issued the attached Guidance. The first several pages of the Guidance include recommendations. Recommendations should be followed when applicable, but are not requirements. By contrast, requirements for pools begin on page five of the attached Guidance and follow the same requirements as the Order. Based on both the Order and Guidance, in regard to community association pools, if an association chooses to open their pool, the association "shall implement measures which mitigate the exposure and spread of COVID-19" which are listed beginning on page 11 of the Order, including, but not limited to:



- Screening and evaluating Workers who exhibit signs of illness such as fever over 100.4 degrees Fahrenheit, cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell.
- Posting a sign on the front of the facility stating that individuals who have a fever or other symptoms of COVID-19 shall not enter.
- Requiring Workers who exhibit signs of illness to not report to work or seek medical attention.
- Enhancing sanitation as appropriate.
- Disinfecting common surfaces regularly.
- Requiring hand washing or sanitation at appropriate places within the location.
- Prohibiting Gatherings during hours of operation.
- Prohibiting handshaking and unnecessary person-to-person contact.
- Placing notices that encourage hand hygiene at the entrance to the facility and in other areas where they are likely to be seen.
- Enforcing Social Distancing of non-cohabitating persons while present.
- Increasing physical space between Workers and patrons.
- Frequently disinfecting Personal Identification Number ("PIN") pads, [and] PIN entry devices.
- If the entity engages volunteers or has members of the public participate in activities, prohibiting volunteering or participation in activities for persons diagnosed with COVID-19, having exhibited symptoms of COVID-19, or having had contact with a person that has or is suspected to have COVID-19 within the past fourteen (14) days.

The definition of "Worker" includes employees, independent contractors, agents, volunteers, or other representatives of a

non-profit corporation. This would include life guards, pool company, pool monitors, property managers, directors, officers, committee members, and other volunteers.

Note that in regard to "disinfecting common surfaces regularly," the Order does not define "regularly." But the Guidance provides that "[c]lean and disinfect frequently touched surfaces based on daily usage but at least once during hours of operation and before opening." A volunteer or lifeguard should thus disinfect surfaces before the pool opens each day and at least once during the day. The more cleaning, the better, obviously. But if this minimum is followed, that appears to comply.

In addition, please note that the owner or operator of a premises may be liable under premises liability law for injuries occurring on the premises if the owner or operator knew or should have known of a danger and did not repair or warn of the danger. To that end, we strongly recommend that a sign be created and placed at the entrance of the pool that includes the following language:

INDIVIDUALS WHO HAVE A FEVER OR OTHER SYMPTOMS OF COVID-19 SHALL NOT ENTER THE POOL AREA. GOOD HAND HYGIENE, INCLUDING HAND WASHING OR HAND SANITATION, IS REQUIRED. HANDSHAKING AND UNNECESSARY PERSON-TO-PERSON CONTACT IS PROHIBITED. SOCIAL DISTANCING OF NON-COHABITATING PERSONS IS REQUIRED. ALL PERSONS ENTERING THESE FACILITIES ACKNOWLEDGE AND AGREE THAT BY ENTERING AND UTILIZING THESE FACILITIES, THEY MAY COME INTO CONTACT WITH CORONAVIRUS, SARS-COV-2 AND COVID-19, AND PERSONS WHO HAVE CONTRACTED SAME. ALL PERSONS ENTERING THESE FACILITIES

FURTHER ACKNOWLEDGE AND AGREE THAT BY ENTERING, UTILIZING AND OCCUPYING THESE FACILITIES, THEY MAY CONTRACT CORONAVIRUS, SARS-COV-2 AND COVID-19, WHICH IS KNOWN TO CAUSE RESPIRATORY DISTRESS, PNEUMONIA, SHORTNESS OF BREATH, AND DEATH. BY ENTERING, UTILIZING AND OCCUPYING THESE FACILITIES, ALL PERSONS DO SO AT THEIR OWN SOLE VOLITION AND RISK HAVING FULL KNOWLEDGE OF THE RISKS INHERENT IN ENTERING AND UTILIZING THESE FACILITIES DURING THE COVID-19 PANDEMIC.

The language in the sign thus incorporates the requirements from the Order and Guidance, as well as warning people of the dangers. We recommend that a sign with the same language be placed inside the pool area and outside of the restrooms. It is also recommended that associations work with legal counsel to implement rules and to discuss obtaining waivers from residents using the pool (or other amenities) during the pandemic.

FITNESS CENTERS

Section V of the Order also places requirements on gyms and fitness centers beginning on page 14. It is unclear whether these requirements apply to fitness centers operated by community associations, but, in an abundance of caution, we advise that our clients operate as if these requirements do apply to fitness centers within their communities. The Order states that fitness centers, in addition to the above requirements, "shall implement measures which mitigate the exposure and spread of COVID-19, as practicable." If fitness centers are opened while this Order is in effect, associations should review and implement these measures. ❖



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

REVIVING A HEALTHY GEORGIA

- WHEREAS:** On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and
- WHEREAS:** The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 16, 2020; and
- WHEREAS:** On April 8, 2020, I renewed the Public Health State of Emergency until May 13, 2020 by issuing Executive Order 04.08.20.02; and
- WHEREAS:** On April 30, 2020, I renewed the Public Health State of Emergency until June 12, 2020 by issuing Executive Order 04.30.20.01; and
- WHEREAS:** Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and
- WHEREAS:** Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and
- WHEREAS:** Code Sections 31-2A-4 and 31-12-4 vests the Department of Public Health with the power to segregate and isolate certain individuals with certain communicable diseases or conditions when said individuals' exposure to the general population is likely to endanger the health of others; and

WHEREAS: Corporations that are calling and holding meetings of shareholders pursuant to Code Sections 14-2-701 or 14-2-702 are required to deliver advance notice and meet other legal requirements under the laws of the State of Georgia, as well as the federal securities laws of the United States, in advance of convening such meetings; and

WHEREAS: In consultation with the Governor’s Coronavirus Task Force and health and emergency preparedness officials, I have determined that the following actions are necessary and appropriate to protect the strength of Georgia’s economy and provide for the health, safety, and welfare of Georgia’s residents and visitors.

NOW, THEREFORE, PURSUANT TO THE AFOREMENTIONED GEORGIA LAW, CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS THE GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

I. GENERAL PROVISIONS

ORDERED: That unless otherwise noted, the provisions contained in this Order shall be effective from May 14, 2020 at 12:00 A.M. until May 31, 2020 at 11:59 P.M.

IT IS FURTHER

ORDERED: That all residents and visitors of the State of Georgia shall practice Social Distancing as defined herein and refrain from Gathering as defined herein.

IT IS FURTHER

ORDERED: That all residents and visitors of the State of Georgia are strongly encouraged to wear face coverings as practicable while outside their homes or place of residence, except when eating, drinking, or exercising outdoors.

IT IS FURTHER

ORDERED: All residents and visitors of the State of Georgia shall practice sanitation in accordance with the guidelines published by the Centers for Disease Control and Prevention.

IT IS FURTHER

ORDERED: That no business, establishment, corporation, non-profit corporation, organization, or county or municipal government shall allow Gatherings of persons. This provision shall not apply to

cohabitating persons, family units, or roommates residing together in private homes, whether inside or outside of their homes or place of residence. This provision shall also not apply to entities defined as “Critical Infrastructure.”

II. DEFINITIONS

IT IS FURTHER

ORDERED:

That the following definitions shall apply to this Order:

1. “Camper” shall mean any person that attends a Summer Camp as a participant. This provision shall specifically exclude those persons who volunteer or work at Summer Camps.
2. “Critical Infrastructure” shall include all Workers, businesses, establishments, corporations, non-profit corporations, and organizations included in versions 1.0, 2.0, and 3.0 of Guidance on Essential Critical Infrastructure Workers released by the U.S. Department of Homeland Security on March 19, 2020, March 28, 2020, and April 17, 2020, respectively. The term “Critical Infrastructure” shall also include those suppliers which provide essential goods and services to the Critical Infrastructure workforce as well as entities that provide legal services, home hospice, and non-profit corporations or non-profit organizations that offer food distribution or other health or mental health services.
3. “Essential Services” shall include those activities outlined below.
 - A. Obtaining necessary supplies and services for family or household members, such as food and supplies for household consumption and use, medical supplies or medication, supplies and equipment needed to work from home, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence. Preference should be given to online ordering, home delivery, and curbside pick-up services wherever possible as opposed to in-store shopping.
 - B. Engaging in activities essential for the health and safety of family or household members.
 - C. Seeking medical, behavioral health, or emergency services.
 - D. Activities that may preserve the health and welfare of persons within this State.
 - E. The transport, visitation, and regular care of family members and persons dependent on the services of

others, and similar actions that ensure the welfare and best interests of persons in the State of Georgia, specifically including the elderly, children, and disabled populations.

- F. Children obtaining public internet access to fulfill educational obligations.
 - G. Engaging in outdoor exercise activities so long as Social Distancing is practiced during such activities between all persons who are not occupants of the same household or residence.
4. "Gathering" shall mean more than ten (10) persons physically present at a Single Location if, to be present, persons are required to stand or be seated within six (6) feet of any other person. Therefore, groups of more than ten (10) people are permitted if their grouping is transitory or incidental, or if their grouping is the result of being spread across more than one Single Location.
 5. "Hand Sanitizer" shall mean any hand antiseptic, hand rub, soap, or agent applied to the hands for the purpose of removing common pathogens.
 6. "Necessary Travel" shall mean such travel as is required to conduct or participate in Essential Services or Critical Infrastructure as defined by this Order.
 7. "Personal Protective Equipment" shall mean surgical masks, N95 masks, respirators, other facemasks, protective gloves, protective clothing, protective garments, and shoe coverings.
 8. "Restaurants and Dining Rooms" shall mean any entity defined as a "food service establishment" pursuant to Code Section 26-2-370(2).
 9. "Shelter in Place" shall mean a person is required to remain in their home or place of residence and take every possible precaution to limit social interaction to prevent the spread or infection of COVID-19 to themselves or any other person, subject to the provisions and exceptions of this Order.
 10. "Single Location" shall mean a space where all persons gathered cannot maintain at least six (6) feet of distance between themselves and any other person.
 11. "Social Distancing" shall mean keeping space between yourself and other people outside of your home or place of residence. Persons practicing Social Distancing should stay at least six (6) feet from other people, avoid assembling in groups, avoid crowded places, and avoid large crowds. This provision shall not apply to cohabitating persons, family units, or roommates residing together in private homes, whether inside or outside of their homes or place of residence.
 12. "Summer Camp" shall mean any entity offering organized sessions of supervised recreational, athletic, or instructional

- activities held between typical school terms. This term shall include those entities commonly referred to as “day camps.”
13. “Worker” shall include employees, independent contractors, agents, volunteers, or other representatives of a business, establishment, corporation, non-profit corporation, organization, or other entity.

III. SHELTERING IN PLACE

IT IS FURTHER

ORDERED: That pursuant to Executive Order 04.30.20.01, this Section, titled “Sheltering in Place” shall be effective until Friday, June 12, 2020, at 11:59 P.M.

IT IS FURTHER

ORDERED: That all residents and visitors of the State of Georgia who meet the following criteria for higher risk of severe illness as defined by the Centers for Disease Control and Prevention are required to Shelter in Place within their homes or places of residence:

1. Those persons who are 65 years of age or older.
2. Those persons who live in a nursing home or long-term care facility, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes.
3. Those persons who have chronic lung disease.
4. Those persons who have moderate to severe asthma.
5. Those persons who have severe heart disease.
6. Those persons who are immunocompromised. Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medication.
7. Those persons, of any age, with class III or severe obesity.
8. Those persons diagnosed with the following underlying medical conditions: diabetes, liver disease, and persons with chronic kidney disease undergoing dialysis.

IT IS FURTHER

ORDERED: That persons required to Shelter in Place shall be permitted to engage in the following activities:

1. Conducting or participating in Essential Services;
2. Performing Necessary Travel;
3. Engaging in gainful employment or the performance of, or travel to and from the performance of, minimum necessary activities to maintain the value of a business, establishment, corporation, non-profit corporation, or organization not classified as Critical Infrastructure; or
4. Working in or for Critical Infrastructure and being actively engaged in the performance of, or travel to and from, their respective employment.

IT IS FURTHER

ORDERED: That persons required to Shelter in Place shall not receive visitors, except as follows:

1. Visitors providing medical, behavioral health, or emergency services or medical supplies or medication, including home hospice;
2. Visitors providing support for the person to conduct activities of daily living or instrumental activities of daily living;
3. Visitors providing necessary supplies and services, such as food and supplies for household consumption and use, supplies and equipment needed to work from home, and products needed to maintain safety, sanitation, and essential maintenance of the home or residence; or
4. Visitors received during end-of-life circumstances.

To the extent practicable under the circumstances, visitors shall maintain a minimum distance of six (6) feet between themselves and all other occupants of the person's home or residence. Any visitors visiting for the sole purpose of delivering medication, supplies, or other tangible goods shall, to the extent practicable, deliver such items in a manner that does not require in-person contact or require the deliverer to enter the person's home or residence.

IT IS FURTHER

ORDERED: That the provisions of this Order related to visitors listed in the immediately preceding paragraph shall be strictly enforced upon nursing homes or other long-term care facilities, including inpatient hospice, assisted living communities, personal care homes, intermediate care homes, community living arrangements, and community integration homes.

IT IS FURTHER

ORDERED:

That an exception to any Shelter in Place requirement set forth hereunder applies in the event of an emergency. In such cases, persons are encouraged to leave their homes or residences and Shelter in Place in accordance with the rules included in this Order at a safe alternate location. Persons experiencing homelessness are urged to obtain shelter and contact governmental and other entities for assistance.

IV. RESTAURANTS & DINING SERVICES

IT IS FURTHER

ORDERED:

That for the purposes of Section IV of this Order, titled “Restaurants & Dining Services,” the term “Single Location” as used in the definition of “Gatherings” in Section I of this Order shall mean 300 square feet of public space. This formula shall only apply to patrons. Therefore, for restaurants, no more than ten (10) patrons should be allowed in the facility per 300 square feet of public space. In calculating the total number of public space square feet, such calculation shall include waiting and bar areas as well as patios or any outdoor dining space, if any, but shall not include hallways, restrooms, and spaces closed to patrons.

IT IS FURTHER

ORDERED:

All Restaurants and Dining rooms that operate during the effective dates of this Order **shall** implement measures which mitigate the exposure and spread of COVID-19 among its patrons and workforce. Such measures **shall** include the following:

1. Screen and evaluate Workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell;
2. Require Workers who exhibit signs of illness to not report to work or to seek medical attention. Per existing U.S. Food and Drug Administration Food Code requirements, Workers who are sick should remain home. If a Worker becomes ill or presents signs of illness at work, the operator should identify the Worker’s condition during a pre-work screening and send the Worker home. Restaurants shall create, maintain, and follow established policies regarding when Workers who have become ill are permitted to return to work. A Worker with known or suspected COVID-19 must follow Centers for Disease Control and Prevention guidelines to self-isolate for at least ten (10) days after symptom onset and end isolation only after symptoms have improved and the Worker has been

- fever-free and/or symptom-free for three (3) consecutive days without medication before returning to work;
3. Implement teleworking for all possible Workers;
 4. Implement staggered shifts for all possible Workers;
 5. Hold all meetings and conferences virtually, whenever possible;
 6. Train all Workers on the importance and expectation of increased frequency of handwashing, the use of hand sanitizers with at least 60% alcohol, and provide clear instruction to avoid touching hands to face;
 7. Require all Workers to wear face coverings at all times. Workers may also wear face shields in addition to their face coverings. Such face coverings and face shields shall be cleaned or replaced daily;
 8. Discourage Workers from using other Workers' phones, desks, offices, or other work tools and equipment;
 9. Where possible, stagger workstations to avoid Workers standing adjacent to one another or next to each other. Where six (6) feet of separation is not possible, consider spacing options that include other mitigation efforts with increased frequency of cleaning and sanitizing surfaces;
 10. Establish a limit for the maximum number of Workers permitted in Worker break rooms to reduce contact;
 11. Prohibit handshaking and other unnecessary person-to-person contact in the workplace;
 12. Enforce Social Distancing of non-cohabitating persons while present on such entity's leased or owned property;
 13. Increase physical space between Workers and patrons;
 14. Limit contact between wait staff and patrons;
 15. Discard all food items that are out of date;
 16. Discontinue use of salad bars and buffets, unless the salad bar or buffet is being used for cafeteria style service where a Worker is responsible for serving the patron, handling the utensils, and ensuring proper distancing in lines;
 17. If providing a "grab and go" service, stock coolers to no more than minimum levels;
 18. Ensure the Food Safety Manager certification of the person in charge is up-to-date and provide food handler training to refresh Workers;
 19. Thoroughly detail, clean, and sanitize the entire facility prior to resuming dine-in services and continue to do so regularly, focusing such cleaning and sanitation on high contact areas that would be touched by Workers and/or patrons;
 20. Between diners, clean and sanitize table condiments, digital ordering devices, check presenters, self-service areas, tabletops, and commonly touched areas, and discarding single-use items;

21. Use rolled silverware and eliminate table presets;
22. Remove items from self-service drink, condiment, utensil, and tableware stations and have Workers provide such items to patrons directly wherever practicable;
23. The use of disposable paper menus is strongly encouraged, which should be discarded after each patron use. Otherwise, businesses subject to this Section shall clean and sanitize reusable menus between each use by a patron. Non-touch menus are also acceptable for use.
24. Clean and sanitize restrooms regularly, check restrooms based on the frequency of use, and ensure adequate supply of soap and paper towels at all times;
25. Implement procedures to increase cleaning and sanitizing frequency of surfaces in the back-of-house. Avoid all food contact surfaces when using disinfectants;
26. Verify that ware-washing machines are operating at the required wash and rinse temperatures and with the appropriate detergents and sanitizers;
27. Update floor plans for common dining areas, redesigning seating arrangements to ensure at least six (6) feet of separation from seating to seating. Utilize physical barriers on booth seating when available to ensure Social Distancing;
28. Limit party size at tables to no more than ten (10);
29. Where practical, consider a reservations-only business model or call-ahead seating;
30. Remind third-party delivery drivers and any suppliers of your internal distancing requirements;
31. Post signage on entrances that no one with a fever or symptoms of COVID-19 is permitted in the facility;
32. Where practicable, physical barriers such as partitions or Plexiglas at registers should be used;
33. Use technological solutions where possible to reduce person-to-person interaction: mobile ordering, mobile access to menus to plan in advance, text on arrival for seating, and contactless payment options;
34. Provide hand sanitizer for use by patrons, including contactless hand sanitizing stations when available;
35. Do not allow patrons to congregate in waiting areas or bar areas. Design a process to ensure patron separation while waiting to be seated that can include floor markings, outdoor distancing, or waiting in cars;
36. If possible, use an exit from the facility separate from the entrance;
37. Mark ingress/egress to and from restrooms to establish paths that mitigate proximity for patrons and staff;
38. Where practicable, take-out and curbside pick-up services should be prioritized over dine-in services; and

39. All restaurant or dining room playgrounds shall be closed.

IT IS FURTHER

ORDERED: That none of the provisions of Section IV of this Order, titled “Restaurants & Dining Services,” shall apply to the operation of dine-in services in hospitals, health care facilities, nursing homes, or other long-term care facilities, however such facilities should implement measures to prevent the spread of COVID-19 if possible.

IT IS FURTHER

ORDERED: That the routine inspection timelines under Georgia Administrative Rule 511-6-1-.10(2) may be extended by the Georgia Department of Public Health by one hundred twenty (120) days for any permit holder of a food service establishment maintaining an “A” food safety grade for any such food service establishment which was scheduled to have a routine inspection at any time between March 14, 2020 and September 10, 2020.

IT IS FURTHER

ORDERED: To the extent that the provisions of Section IV of this Order, titled “Restaurants & Dining Services,” conflict with the provisions of Section V of this Order, titled “Industry & Commerce,” the provisions of Section IV shall control.

V. INDUSTRY, COMMERCE, ORGANIZATIONS, & NON-PROFITS

IT IS FURTHER

ORDERED: That the Georgia Department of Economic Development is authorized to issue guidance to any business, corporation, organization, or industry trade group regarding its status as Critical Infrastructure. This guidance shall not require a finding of fact but shall be in writing and shall be considered a final agency action for the purpose of proceedings under Code Section 50-13-19.

IT IS FURTHER

ORDERED: Critical Infrastructure that continue in-person operation during the effective dates of this Order **shall** implement measures which mitigate the exposure and spread of COVID-19. Such measures **may** include, but shall not be limited to the following, which shall be implemented to the maximum extent practicable:

1. Screening and evaluating Workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell;
2. Requiring Workers who exhibit signs of illness to not report to work or to seek medical attention;
3. Enhancing sanitation of the workplace as appropriate;
4. Disinfecting common surfaces regularly;
5. Requiring handwashing or sanitation by Workers at appropriate places within the business location;
6. Prohibiting Gatherings of Workers during working hours;
7. Permitting Workers to take breaks and lunch outside, in their office or personal workspace, or in such other areas where proper Social Distancing is attainable;
8. Implementing teleworking for all possible Workers;
9. Implementing staggered shifts for all possible Workers;
10. Holding all meetings and conferences virtually, whenever possible;
11. Delivering intangible services remotely, whenever possible;
12. Discouraging Workers from using other Workers' phones, desks, offices, or other work tools and equipment;
13. Prohibiting handshaking and other unnecessary person-to-person contact in the workplace;
14. If in use, open sales registers must be at least six (6) feet apart;
15. Point of sale equipment should be frequently cleaned and sanitized;
16. Placing notices that encourage hand hygiene at the entrance to the workplace and in other workplace areas where they are likely to be seen; and
17. Frequently disinfecting Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature capture devices if in use.

IT IS FURTHER

ORDERED:

That all businesses, establishments, corporations, non-profit corporations, or organizations that are *not* Critical Infrastructure that continue in-person operations during the effective dates of this Order **shall** implement measures which mitigate the exposure and spread of COVID-19 among its workforce. Such measures **shall** include the following:

1. Screening and evaluating Workers who exhibit signs of illness, such as a fever over 100.4 degrees Fahrenheit, cough, , shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell;

2. Posting a sign on the front of the facility stating that individuals who have a fever or other symptoms of COVID-19 shall not enter the store;
3. Requiring Workers who exhibit signs of illness to not report to work or to seek medical attention;
4. Enhancing sanitation as appropriate;
5. Disinfecting common surfaces regularly;
6. Requiring hand washing or sanitation at appropriate places within the location;
7. Prohibiting Gatherings during hours of operation;
8. Permitting Workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where proper Social Distancing is attainable;
9. Implementing teleworking as practicable;
10. Implementing staggered shifts as practicable;
11. Holding all meetings and conferences virtually as practicable;
12. Delivering intangible services remotely as practicable;
13. Discouraging use of other Worker's phones, desks, offices, or other tools and equipment;
14. Prohibiting handshaking and unnecessary person-to-person contact;
15. Placing notices that encourage hand hygiene at the entrance to the facility and in other areas where they are likely to be seen;
16. Enforcing Social Distancing of non-cohabitating persons while present on such entity's leased or owned property;
17. For retailers and service providers, providing for alternative points of sale outside of buildings, including curbside pick-up or delivery of products and/or services if an alternative point of sale is permitted under Georgia law;
18. For retailers and service providers, open sales registers must be at least six (6) feet apart;
19. Point of sale equipment should be frequently cleaned and sanitized;
20. Increasing physical space between Workers and patrons;
21. Frequently disinfecting Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature capture devices if in use; and
22. If the entity engages volunteers or has members of the public participate in activities, prohibiting volunteering or participation in activities for persons diagnosed with COVID-19, having exhibited symptoms of COVID-19, or having had contact with a person that has or is suspected to have COVID-19 within the past fourteen (14) days.

IT IS FURTHER

ORDERED: That Critical Infrastructure and all other businesses, establishments, corporations, non-profit corporations, or organizations that continue in-person operation during the effective dates of this Order **should** implement the following measures if practicable:

1. Providing Personal Protective Equipment as available and appropriate to the function and location of the Worker within the business location;
2. Providing disinfectant and sanitation products for Workers to clean their workspace, equipment, and tools; and
3. Increasing physical space between Workers' worksites to at least six (6) feet.

IT IS FURTHER

ORDERED: That all live performance venues, operators of amusement rides as defined by Code Section 25-15-51, and businesses which possess a license to operate as or otherwise meet the definition of "bar" as defined by Code Section 3-1-2(2.1) **shall not** engage in in-person operations and shall remain closed to the public while this Order is in effect.

IT IS FURTHER

ORDERED: That all retail businesses, including Food Establishments (such as retail and wholesale grocery stores), as defined by Ga. Comp. R. & Regs. R. 40-7-1-.02 but not to include food processing plants or wholesale sandwich and salad manufacturers, **shall** implement additional measures to prevent the spread of COVID-19, as practicable. Such measures **shall** include:

1. Limiting the number of patrons inside the store to 50% of fire capacity occupancy of the entire store or eight (8) patrons per 1,000 square feet;
2. Encouraging patrons to use hand sanitizer upon entering;
3. Encouraging non-cash payments when possible;
4. Sanitizing entrance and exit doors at least three times per day;
5. Encouraging Workers to report any safety and health concerns to the employer; and
6. Installing protective screens or other mitigation measures where Worker-patron interactions are likely.

IT IS FURTHER

ORDERED: That in addition to the applicable requirements above, Food Establishments (such as retail and wholesale grocery stores), as defined by Ga. Comp. R. & Regs. R. 40-7-1-.02 but not to include food

processing plants or wholesale sandwich and salad manufacturers, **shall** implement additional measures to those listed above as practicable. Such measures **may** include, but shall not be limited to the following, which shall be implemented to the maximum extent practicable:

1. Scheduling specific hours of operation for vulnerable populations to shop;
2. Reducing store hours to allow for increased cleaning and sanitation while the store is closed;
3. Enacting policies and procedures to encourage Social Distancing for patrons and Workers. Measures may include:
 - a. Protective Plexiglass screens at service counters and at cash registers;
 - b. Decals on the floor or aisles with messaging on Social Distancing;
 - c. Signs throughout the store giving visuals on Social Distancing;
 - d. Limited occupancy if store becomes too crowded; and
 - e. Use of one-way aisles;
4. Providing Personal Protective Equipment as available and appropriate to the function and location of the Worker within the business location;
5. Encouraging patrons to wear face coverings;
6. Utilizing in-store messaging to educate and remind patrons and Workers on recommended hygiene and Social Distancing;
7. Discontinuing sampling or cooking stations;
8. Closing self-serve salad bars and buffets;
9. Adding additional staff to specifically oversee increased sanitation of grocery carts, and other high-touch areas such as door handles, point of sales equipment, conveyor belts, and other surfaces;
10. Checking restrooms regularly, cleaning and sanitizing based on frequency of use, and ensuring adequate supply of soap and paper towels at all times;
11. Allowing time for frequent hand washing for Workers, including cashiers, that interact directly with patrons;
12. Increasing or add hand sanitizing stations around stores for patrons and Workers; and
13. Procuring options with third-party cleaning companies to assist with the increased cleaning demands as needed.

IT IS FURTHER

ORDERED:

That in addition to the applicable requirements above, gyms and fitness centers **shall** implement additional measures to prevent the spread of COVID-19, as practicable. Such measures **shall** include:

1. 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;
2. 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;
3. If Workers are present at the gym or fitness center, screening patrons at the entrance and prohibiting entrance for patrons exhibiting a temperature greater than 100.4 degrees Fahrenheit, cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell ;
4. Limiting occupancy to enforce Social Distancing requirements and to prohibit Gatherings;
5. Utilizing contactless forms of patron check-in;
6. Providing hand sanitizer stations as available for patrons;
7. 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;
8. 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;
9. Limiting use of cardio machines to every other machine or distancing machines to maintain acceptable Social Distancing between users;
10. Enforcing Social Distancing and prohibiting congregating between non-cohabitating patrons, especially in pools, group fitness classes, and in areas where group sports regularly occur;
11. Encouraging patrons to conduct their workout and exit the facility without unnecessary delay;
12. Complying with the regulations for "Childcare Facilities" included in Section VII of this Order titled "Children" if childcare services are provided.
13. Closing the following facilities and equipment within a gym or fitness center: hot tubs, saunas, and steam rooms;
14. Requiring patrons to spray showers with a provided cleaning spray after use;
15. In addition to the regular cleaning schedule, cleaning and sanitizing high touch surfaces, bathrooms, and locker rooms regularly throughout hours of operation;
16. Prohibiting patrons from sharing equipment without cleaning and sanitizing between uses;
17. Practicing Social Distancing between trainers and patrons as practicable;

18. Requiring no less than ten (10) feet of distance between patrons participating in group fitness classes; and
19. Requiring rooms and equipment used for group fitness classes to be disinfected between classes.

IT IS FURTHER

ORDERED:

That in addition to the applicable requirements above, body art studios permitted pursuant to Code Section 31-40-2, businesses registered pursuant to Code Sections 43-10-11 and 43-10-18, estheticians as defined by Code Section 43-10-1(8), hair designers as defined by Code Section 43-10-1(9), persons licensed to practice massage therapy pursuant to Code Section 43-24A-8, and tanning facilities as defined by Code Section 31-38-1(6) **shall** implement additional measures to prevent the spread of COVID-19, as practicable. Such measures **shall** include:

1. Providing services by appointment only. Walk-in patrons should not be allowed;
2. Patrons should be required to sanitize their hands upon entering the facility and before any treatment;
3. Providing hand sanitizer or sanitization wipes to patrons upon arrival;
4. Posting signs at the entrance and at eye-level at each workstation stating that any patron who has symptoms of COVID-19 must reschedule their appointment;
5. Allowing only one patron per service provider in the business at any one time;
6. Allowing one parent to be within a facility if their minor child is receiving a haircut;
7. Requiring patrons to wait in their vehicle or outside the establishment until the service provider is ready, or patrons may wait in a waiting area inside the facility provided that all seating within the waiting area is spaced so that no waiting patron is seated within six (6) feet of any other person and all waiting patrons are required to wear face coverings;
8. Staggering use of every-other workstation or spacing workstations more than ten (10) feet apart, whichever option is practicable given the facility's configuration;
9. Staggering work schedules so that no more than 50% of the normal number of Workers providing services will be in the business at a time;
10. Requiring all Workers to wear Personal Protective Equipment as available and appropriate to the function and location of the Worker within the business location;
11. Sanitizing all equipment, chairs, and tables used by Workers and patrons between each client visit;

12. Utilizing disposable materials and supplies as much as practicable according to state rules and regulations; and
13. Training all Workers on additional measures both verbally and in writing.

IT IS FURTHER

ORDERED:

That in addition to the applicable requirements above, indoor movie theaters and cinemas choosing to operate during the effective dates of this Order **shall** implement additional measures to prevent the spread of COVID-19. Such measures **shall** include:

1. Each party of patrons must be seated at least six (6) feet apart. No party seated together may number more than ten (10) individuals;
2. At least one usher must be used in each theater room before and at some point during each showing to ensure that proper Social Distancing protocol is enforced;
3. Seats, armrests, handrails, doors, doorknobs, and door handles in each theater must be thoroughly sanitized before and after each showing;
4. Tape must be applied to floors at ticket counters and concession stands to enforce proper Social Distancing protocol for patrons who are waiting in line;
5. Restrooms must be cleaned and disinfected regularly, and touchpoints must be cleaned and sanitized no less than once per hour;
6. Food service areas must adhere to the same guidelines set forth in Section IV, titled "Restaurants & Dining Services", above;
7. Party rooms located at theaters may not host parties or Gatherings; and
8. Playgrounds, if any, must be closed.

IT IS FURTHER

ORDERED:

That in addition to the applicable requirements above, bowling alleys choosing to operate during the effective dates of this Order **shall** implement additional measures to prevent the spread of COVID-19. Such measures **shall** include:

1. Placing signage at entrance and throughout the facility to instruct patrons of Social Distancing requirements and other instructions and limitations, as applicable;
2. Providing hand sanitizer stations for patrons throughout the facility;

3. Food service areas must adhere to the same guidelines set forth in Section IV, titled “Restaurants & Dining Services”, above;
4. Tape must be applied to floors at ticket counters and rental stations to enforce proper Social Distancing protocol for patrons who are waiting in line;
5. Removing items from all self-service bowling ball, bowling shoe, and other bowling accessory stations and having Workers provide such items to patrons directly;
6. Limiting the number of patrons per lane to groups of ten (10) or less;
7. Staggering use of lanes so that only every other lane or every third lane is in use to maintain proper Social Distancing between groups of patrons. Each party of patrons must be seated at least six (6) feet apart;
8. Score keeping machines, ball returns, tables, seats, and other fixtures at each bowling lane must be thoroughly sanitized before and after each use;
9. Bowling balls and bowling shoes must be thoroughly sanitized before and after each use;
10. Party rooms located at bowling alleys may not host parties or Gatherings; and
11. Closing playgrounds, if any.

IT IS FURTHER

ORDERED:

That in instances where persons are working outdoors without regular contact with other persons, such as delivery services, contractors, landscape businesses, and agricultural industry services, such persons *shall* only be required to practice Social Distancing and implement sanitation processes in accordance with the guidelines published by the Centers for Disease Control and Prevention.

VI. HEALTHCARE

IT IS FURTHER

ORDERED:

That any person, service, or entity delivering healthcare during the effective dates of this Order shall adhere to the guidelines listed in Section V for Critical Infrastructure in addition to the guidelines listed in this Section.

IT IS FURTHER

ORDERED: That in addition to compliance with the guidelines for Critical Infrastructure, dental practices and clinics that continue in-person operation during the effective dates of this Order **shall** adhere to the American Dental Association’s Interim Guidance for Minimizing Risk of COVID-19 Transmission and Interim Mask and Face Shield Guidelines. Any previous Executive Order or rule which would prevent dental practices and clinics from providing the full scope of their services subject to the above requirements is hereby suspended.

IT IS FURTHER

ORDERED: That in addition to compliance with the guidelines for Critical Infrastructure, licensed optometrists and their staff that continue in-person operation during the effective dates of this Order **shall** adhere to the American Optometric Association’s Practice Reactivation Preparedness Guide and the Georgia Optometric Association’s COVID-19 guidelines for practices issued March 17, 2020 and updated April 20, 2020. Any previous executive order or departmental rule which would prevent optometrists from providing the full scope of their services subject to the above requirements is hereby suspended.

IT IS FURTHER

ORDERED: That in addition to compliance with the guidelines for Critical Infrastructure, licensed opticians and their staff that continue in-person operation during the effective dates of this Order **shall** adhere to the Centers for Disease Control and Prevention’s Recommendations for Office Disinfection and Recommendations for Employers. Any previous executive order or departmental rule which would prevent opticians from providing the full scope of their services subject to the above requirements is hereby suspended.

IT IS FURTHER

ORDERED: That in addition to compliance with the guidelines for Critical Infrastructure, Ambulatory Surgical Centers that continue in-person operation during the effective dates of this Order **shall** implement additional measures to prevent the spread of COVID-19 as practicable. Such measures **may** include, but shall not be limited to the following, which shall be implemented to the maximum extent practicable:

1. Screening patients before visits and monitoring their health prior to starting surgery as part of the pre-operative procedure;

2. Requiring Workers to self-monitor and screen for viral symptoms daily;
3. Continuing to use Personal Protective Equipment in accordance with the latest Centers for Disease Control and Prevention recommendations for all procedures;
4. Following waiting room spacing guidelines, Social Distancing, face masking, and other recommended procedures for patients and visitors prior to entering the facility;
5. Ensuring heightened disinfection to prevent and mitigate risk of spread;
6. Ensuring patients have been medically cleared by their primary care physician where applicable;
7. Balancing the needs of patient care with the risk of providing that care by prioritizing procedures for patients who have lower co-morbidities and surgical risks and procedures accompanied by lower risk with regard to airborne transmission and those with minimal risk of unintended hospital admissions;
8. Performing regular rapid COVID-19 testing on providers and Workers where feasible; and
9. Performing COVID-19 testing on patients suspected to be experiencing COVID-19 and factoring the results of such testing into clinical decisions as to whether or not to proceed with procedures.

IT IS FURTHER

ORDERED: Any previous executive order or departmental rule which would prevent ambulatory surgical centers from providing the full scope of their services subject to the above requirements is hereby suspended.

IT IS FURTHER

ORDERED: That during the Public Health State of Emergency, in addition to those Workers designated as auxiliary emergency management workers by Executive Orders 04.14.20.01 and 4.20.20.01, the Workers of healthcare facilities as defined by 31-6-2(17) and 31-44-1(6), where services are provided or performed during the Public Health State of Emergency, specifically including those Workers defined by Code Section 31-44-1(4), shall be considered auxiliary emergency management workers pursuant to Code Section 38-3-35.

IT IS FURTHER

ORDERED: That during the Public Health State of Emergency, in addition to those persons designated as auxiliary emergency management

workers by Executive Orders 04.14.20.01 and 04.20.20.01 and by the immediately preceding paragraph, persons who are licensed, certified or otherwise authorized under Code Section 31-44-1(4) and those under Title 43, Chapter 26 and Chapter 34 to provide healthcare services in the ordinary course of business or practice of a profession or in an approved education or training program, whose practices are affected by the Public Health Emergency caused by the spread of the novel coronavirus, COVID-19, shall be considered auxiliary emergency management workers pursuant to Code Section 38-3-35. However, in no case shall Workers providing or performing services in or in conjunction with healthcare facilities as defined by Code Section 31-7-1(4)(B) be considered auxiliary emergency management workers pursuant to Code Section 38-3-35.

IT IS FURTHER

ORDERED: That during the Public Health State of Emergency, services provided or performed by healthcare facilities as defined by Code Section 31-6-2(17) or 31-44-1(6) shall be considered emergency management activities pursuant to Code Section 38-3-35. In no case shall services provided or performed by healthcare facilities as defined by Code Section 31-7-1(4)(B) be considered emergency management activities pursuant to Code Section 38-3-35.

IT IS FURTHER

ORDERED: That to the extent possible, hospitals, health care institutions, medical facilities, nursing homes, and other long-term care facilities should offer in-room dining.

VII. EDUCATION & CHILDREN

IT IS FURTHER

ORDERED: Nothing in this Order shall prevent any school, technical school, college, or university from requiring faculty and staff to attend meetings or other necessary activities at a school or facility for the purpose of supporting distance learning, research, administration, maintenance, or preparation for the 2020-2021 school year.

IT IS FURTHER

ORDERED: That for the purposes of all Child Care Learning Centers and Family Child Learning Homes under the jurisdiction of the Georgia Department of Early Care and Learning (hereinafter, "Childcare

Facilities”), the term “Single Location” shall mean a single classroom. Further, for Childcare Facilities only, twenty (20) persons shall be permitted to Gather in a Single Location so long as Staff-Child Ratios set forth by the Georgia Department of Early Care and Learning are also maintained.

IT IS FURTHER

ORDERED: That all Childcare Facilities shall cease transporting children for any purpose other than transporting children between their place of residence and the Childcare Facility. To the greatest extent possible, all permissible transports shall be conducted in such a way that maintains Social Distancing.

IT IS FURTHER

ORDERED: That in addition to the requirements for businesses, establishments, corporations, non-profit corporations, or organizations that are not Critical Infrastructure set forth in Section V above and the standard hygiene, sanitation, and disinfection licensing rules promulgated by the Georgia Department of Early Care and Learning, all Childcare Facilities that operate during the effective dates of this Order **shall** implement additional measures to prevent the spread of COVID-19. Such measures **shall** include the following:

1. Screening and evaluating all children prior to them entering the classroom for signs of illness or exhibiting a fever over 100.4 degrees Fahrenheit, cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell;
2. Prohibiting children from entering a classroom if they exhibit any of the symptoms in paragraph 1;
3. Prohibiting unnecessary visitors;
4. Providing meals in classrooms rather than in a congregated or communal settings where possible;
5. Restricting families’ access to the front door of the facility or the door of their respective child’s classroom only;
6. Surfaces and objects that are frequently touched must be sanitized regularly, including, but not limited to, toys, games, and objects or surfaces not ordinarily cleaned daily;
7. Toys and games that cannot be cleaned and sanitized should not be used;
8. Toys that children have placed in their mouths or that are otherwise contaminated by body secretions or excretions should be set aside until they are cleaned by hand by a person wearing gloves;

9. Machine-washable cloth toys should be used by one individual at a time or should not be used at all and should be laundered before being used by another child;
10. Toys used by a group of children must be washed and sanitized before they may be used by children in a different group or classroom;
11. Items that need to be cleaned should be set aside in a dish pan with soapy water or in a separate container marked for soiled toys;
12. Only bedding (sheets, pillows, blankets, and sleeping bags) that can be washed may be used. Each child's bedding must be kept separate and, to the extent practicable, should be stored in individually labeled bins, cubbies, or bags. Cots and mats should be labeled for each child and any bedding that touches a child's skin should be cleaned weekly or before use by any other child; and
13. Workers should sign children in and out of the facility for families if a computer or keypad system inside the facility is used. If a tablet located outside the facility is used by families during drop-off and pick-up, the tablet must be disinfected after each use. If a paper sign-in system is used for sign-in, writing utensils should be sanitized after each use, if families are permitted to sign children in themselves.

IT IS FURTHER

ORDERED: If the Centers for Disease Control and Prevention issues guidance for the operation of Summer Camps, the provisions of such guidance shall control.

IT IS FURTHER

ORDERED: That no Summer Camps are permitted to host Campers overnight until authorized by the Georgia Department of Public Health.

IT IS FURTHER

ORDERED: That in addition to the applicable requirements for non-critical infrastructure above, Summer Camps **shall** implement additional measures to prevent the spread of COVID-19. Such measures **shall** include, but are not limited to, the following:

1. Placing signage at any entrance to instruct Campers that they cannot enter if they have been diagnosed with COVID-19, have exhibited symptoms of COVID-19, or had contact with a person that has or is suspected to have COVID-19 within the past fourteen (14) days;

2. Placing signage at any entrance and throughout the facility to instruct Campers of the enhanced sanitation procedures, Social Distancing requirements, and other instructions and limitations, as applicable, set forth below;
3. Screening Campers at drop-off and preventing any Camper from entering that exhibits a temperature greater than 100.4 degrees Fahrenheit, cough, shortness of breath, difficulty breathing, other respiratory symptoms, or at least two of the following symptoms: chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell;
4. Requiring that any persons exhibiting a temperature greater than 100.4 degrees Fahrenheit, cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell at any time while at the Summer Camp shall be separated from the group immediately and must leave the camp facility as soon as practicable;
5. Requiring any Worker or Camper that has stayed home sick, been prevented from entering camp due to signs of illness, or been sent home during camp due to signs of illness shall to not be permitted to attend camp again until they have either had a negative COVID-19 test or have been fever and fever medication free for seventy-two (72) hours, other symptoms have improved, and at least ten (10) days have passed since symptoms first appeared;
6. Requiring parents dropping-off and picking-up Campers to remain in their vehicles;
7. Utilizing contactless forms of Camper check-in and check-out;
8. Implementing staggered drop-off and pick-up times, with specific times for each group of Campers, if practicable;
9. Providing hand sanitizer to Campers as soon as practicable upon drop-off;
10. Prohibiting unnecessary visitors to camp activities and facilities;
11. Discontinuing camp tours;
12. Providing training to Workers on how to identify symptoms of illness in Campers, the proper processes for removing a potentially ill Camper, and the infection mitigation procedures to perform in such an event;
13. Providing an isolation area for sick Workers or Campers;
14. To the extent necessary, limiting groups to twenty (20) persons or less, including Workers and Campers, in a space where all persons gathered cannot maintain at least six (6) feet of distance between themselves and any other person;
15. To the extent possible, keeping the same Workers and Campers in the same group for the duration of the camp;

16. Enforcing Social Distancing between groups, prohibiting Gatherings, and prohibiting congregating among Campers belonging to different groups;
17. Providing a separate designated space for each Camper to store personal belongings throughout the duration of the camp;
18. Prohibiting use of camp facilities and equipment that are not able to be regularly sanitized;
19. To the extent possible, allowing only one group to use camp equipment at a time;
20. Sanitizing camp equipment after each group use;
21. Requiring Workers to patrol camp areas to enforce the equipment sanitization policy and conduct additional cleanings during times when equipment is not being used;
22. If swimming facilities are available, allowing each group to swim only once per day and staggering swimming times to avoid crowding at the swimming facilities;
23. If camp facilities are also open to other patrons, prohibiting contact between Campers and the facility's other patrons and requiring sanitization before and after camp use of any such shared facilities;
24. Providing hand sanitizer stations for Campers and requiring regular use;
25. Requiring Campers to wash or sanitize their hands during each group restroom break, snack break, and meal break;
26. For day camps, if possible, requiring Campers to bring their own lunch and snacks with them to camp each day, with all such food items being in a sealed lunch bag marked with the Camper's name;
27. Requiring all dining facilities to follow the criteria for restaurant dine-in services set forth in Section IV herein to the extent practicable;
28. Requiring Workers to wear gloves when helping Campers open items from meals and snacks;
29. If camp vehicles are used for transporting Campers to and from on or off-site activities, requiring Workers to sanitize each vehicle before and after use;
30. Requiring Workers to clean and sanitize bathrooms and all frequently touched surfaces regularly throughout the opening hours in addition to the regular cleaning schedule. Shared restrooms must be sanitized no less than twice per day;
31. Providing masks or other Personal Protective Equipment to Workers as available and appropriate to the function and location of Workers within the camp facility; and
32. Providing masks or other Personal Protective Equipment to Campers as available and appropriate to the activity and location of Campers within the camp facility; and

33. Overnight Summer Camps shall implement the following additional measures:
- a. Screening Workers and Campers each morning and evening. Persons exhibiting a temperature greater than 100.4 degrees Fahrenheit, cough, , shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell shall be separated from the group immediately and must leave the camp facility as soon as practicable;
 - b. Requiring Workers to clean and sanitize overnight bunk rooms at least once per day;
 - c. Sanitizing bunks and bunk mattresses at least once per week and before and after use by a new Worker or Camper;
 - d. Limiting camp occupancy to the extent necessary to maintain overnight bunk room occupancy at twenty (20) persons, including Workers and Campers, or less per room;
 - e. To the extent possible, arranging beds and bunk beds in overnight bunk rooms so that beds are six (6) feet apart and in a foot-to-foot style; and
 - f. Requiring a Registered Nurse or Licensed Practical Nurse to be on site during all times that Campers are present at the camp facility to the extent practicable.

IT IS FURTHER

ORDERED:

That Code Section 15-11-2(10) relating to the definition of “child” is suspended for the limited purpose of ensuring that persons in the care of the Georgia Division of Family & Children Services who age out of the definition of “child” during the Public Health State of Emergency shall be eligible to remain in their placement and continue to receive services for a duration of ninety (90) days following the termination of the Public Health State of Emergency or any extension thereof. This suspension shall apply to Code Section 15-11-2(10), effective until July 1, 2020, and upon expiration to Code Section 15-11-2(10), effective July 1, 2020. That any Georgia Division of Family & Children Services policies shall also align with this provision.

IT IS FURTHER

ORDERED:

That no provision of this Order shall limit, infringe, suspend, or supplant any custodial arrangements created pursuant to the laws or constitution of this State or the laws or constitution of the United States, nor shall any person use any provision this Order as a defense to an action in violation of a custodial arrangement by any court

created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

VIII. GOVERNMENTS

IT IS FURTHER

ORDERED: That the Human Resources Administration of the Department of Administrative Services shall promulgate guidance for the reopening of state offices and the return of teleworking state employees to in-office environments.

IT IS FURTHER

ORDERED: That the requirements of Code Section 36-70-27 and 50-8-8 are hereby suspended to the extent that they would prevent local governments from being eligible to receive state funding for expenditures made during the current Public Health State of Emergency related to the prevention, treatment, or mitigation of COVID-19.

IT IS FURTHER

ORDERED: That the audit reporting deadline imposed upon local governments by Code Section 36-81-7(d) is hereby extended by ninety (90) days for any local government that by virtue of their fiscal year end date will have an audit due at any time during the Public Health State of Emergency or within ninety (90) days after the Public Health State of Emergency is terminated or ceases to be renewed by the Governor.

IT IS FURTHER

ORDERED: That the deadline for submission of the local government finances reports and local government indebtedness reports required of local governments under Code Section 36-81-8 shall hereby be extended by ninety (90) days for any local government that by virtue of their fiscal year end date will have such reports due during the Public Health State of Emergency or within ninety (90) days after the Public Health State of Emergency is terminated or ceases to be renewed by the Governor.

IT IS FURTHER

ORDERED: That the grant certification form reporting deadlines imposed upon local governments by Code Section 36-81-8.1 are hereby extended by ninety (90) days for any local government that by virtue of their fiscal

year end date will have a grant certification form due at any time during the Public Health State of Emergency or within ninety (90) days after the Public Health State of Emergency is terminated or ceases to be renewed by the Governor.

IT IS FURTHER

ORDERED: That county and municipal governments are authorized and empowered to make, amend, and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of this Order, but such orders, rules, and regulations shall not be inconsistent with this Order or any other orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power derived from the Public Health State of Emergency declaration. For the purpose of this provision, orders, rules, and regulations that are promulgated by county and municipal governments that are more or less restrictive than the terms of this Order shall be considered inconsistent with this Order.

IT IS FURTHER

ORDERED: That the operation of Critical Infrastructure shall not be impeded by county, municipal, or local ordinance.

IX. ENFORCEMENT

IT IS FURTHER

ORDERED: That the state agencies with primary regulatory authority over the entities listed in this Order and the Commissioner of the Department of Public Safety shall provide resources as requested to assist in the enforcement of this Order.

IT IS FURTHER

ORDERED: That pursuant to Code Section 38-3-7, any person who violates this Order shall be guilty of a misdemeanor. Officials enforcing this Order should take reasonable steps to provide notice prior to issuing a citation or making an arrest. No provision of this Order shall limit the ability of law enforcement officers to enforce the laws of this State. Particularly, the provisions of Code Section 38-3-4 remain in effect, and all law enforcement is authorized to enforce the Orders issued pursuant to Title 38, Chapter 3.

IT IS FURTHER

ORDERED: That any law enforcement officer, after providing reasonable notice and issuing at least two citations for violations of Code Section 38-3-7, is authorized to mandate the closure of any business, establishment, corporation, non-profit corporation, or organization not in compliance with this Order for a period not to extend beyond the term of this Order.

IT IS FURTHER

ORDERED: That pursuant to Executive Order 04.02.20.01 and Code Section 38-3-51, enforcement of any county or municipal ordinance or order that is more or less restrictive than this Order is hereby suspended.

X. MISCELLANEOUS

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall conflict with the provisions of any previous Executive Order or Agency Administrative Order, the provisions of this Order shall control. Further, in the event of any conflict, the provisions of any Quarantine or Isolation Order issued to a specific person by the Department of Public Health shall control.

IT IS FURTHER

ORDERED: That nothing in this Order shall be construed to suspend or limit the sale, dispensing, or transportation of firearms or ammunition, or any component thereof.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: That no provision of this Order shall limit, infringe, suspend, or supplant any judicial order, judgment, or decree issued pursuant to the laws or constitution of this State or the laws or constitution of the

United States, nor shall any person use any provision this Order as a defense to an action in violation of a judicial order, judgment, or decree by any court created pursuant to the laws or constitution of this State or the laws or constitution of the United States.

IT IS FURTHER

ORDERED: This Order does not attempt, nor shall it be construed, to imply that the Governor, in any instance, has the unilateral authority to overturn any judicial order, judgment, or decree.

IT IS FURTHER

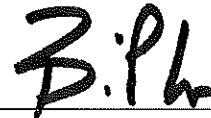
ORDERED: The Office of the Governor may continue to issue guidance on the scope of this Order as needed through communication media, including social media, without need for further Executive Orders.

XI. EFFECTIVE DATE & SIGNATURE

IT IS FURTHER

ORDERED: That this Order shall be effective upon signature.

This 12th day of May 2020, at 3:02 A.M./(P.M)



GOVERNOR



COVID-19 Guidance – Public Swimming Pools

On May 12, 2020, Governor Kemp issued Executive Order 05.12.20.02, “Reviving a Healthy Georgia,” which allows public swimming pools to be reopened. The Georgia Department of Public Health and local county health departments regulate public swimming pools in Georgia, including the following:

1. Public pools regulated under Title 31, Chapter 45 of the Georgia Code and Chapter 511-3-5 of the Rules of the Department of Public Health (including municipal, school, hotel, and motel pools, any pool to which access is granted in exchange for payment of a daily fee, special purpose pools, spas, and recreational water parks);
2. Pools operating under County Ordinances, including subdivision, apartment and country club pools; and
3. Public pools as defined in the State’s mandatory International Swimming Pool and Spa Code.

Under the Governor’s Order, recreational water parks that operate single waterslides and similar non-mechanical attractions at municipal, county, state, or community-operated pools will be allowed to reopen, consistent with Safety Fire Commissioner Rule 120-3-27-.43. However, recreational water parks that are operators of water amusement rides as defined in Code section 25-15-51(1) and Safety Fire Commissioner Rule 120-3-27-.02(54) must remain closed.

To reduce the risk of spreading COVID-19 at public swimming pools, the Department has developed the mitigation measures contained in this guidance document. These mitigation measures are based on Executive Order 05.12.20.02 and the Centers for Disease Control and Prevention’s [guidance on operating and managing public pools, hot tubs, and water playgrounds during the pandemic](#).

Facility Mitigation Measures to Reduce Exposure Risks among Swimmers and Patrons

The following measures are strongly recommended for all operators of public swimming pools:

- Employ cleaning and disinfection measures to reduce patron exposure.
 - [Clean and disinfect](#) frequently touched surfaces at least daily and shared objects each time they are used. For example:
 - Handrails, slides, and structures for climbing or playing
 - Lounge chairs, tabletops, pool noodles, kickboards, and drinking fountains
 - Door handles and surfaces of restrooms, handwashing stations, diaper-changing stations, and showers
 - Limit locker room use when possible; design facility plans addressing access and egress.
 - Require patrons to spray showers with a provided cleaning spray after use.
 - Require workers to clean and sanitize bathroom and shower areas regularly throughout the opening hours in addition to the regular cleaning schedule.

- Consult with the company or engineer that designed the public pool to decide which [List N disinfectants approved by the U.S. Environmental Protection Agency](#) (EPA) are best for your facility.
 - Set up a system so that furniture (for example, lounge chairs) that needs to be cleaned and disinfected is kept separate from already cleaned and disinfected furniture.
 - Label containers for used equipment that has not yet been cleaned and disinfected and containers for cleaned and disinfected equipment.
 - Launder towels and clothing according to the manufacturer's instructions. Use the warmest appropriate water temperature and dry items completely.
 - Protect shared furniture, equipment, towels, and clothing that have been cleaned and disinfected from becoming contaminated before use.
 - Ensure [safe and correct use](#) and storage of disinfectants, including storing products securely away from children.
- Maintain water quality parameters to ensure water sanitation.
 - Be aware of maintaining all water quality parameters within ideal operating ranges; ensure disinfectant and pH levels are monitored accordingly to ensure proper disinfection.
 - Test water quality parameters in accordance with state or local rules and regulations.
 - Review mechanical ventilation service records and operation and follow tips as appropriate.
 - Ensure that ventilation systems of indoor spaces operate properly.
 - Increase introduction and circulation of outdoor air as much as possible by opening windows and doors, using fans, or other methods. However, do not open windows and doors if doing so poses a safety risk to staff, patrons, or swimmers.
 - Review water systems and maintain procedures for the facility.
 - [Take steps](#) to ensure that all water systems (for example, drinking fountains, decorative fountains, hot tubs) are safe to use after a prolonged facility shutdown to minimize the risk of [Legionnaires' disease](#) and other diseases associated with water.
 - Modify the layout of the facility to promote social distancing.
 - Change deck layouts to ensure that in the standing and seating areas, individuals can remain at least 6 feet apart from those they don't live with.
 - Ensure that the layout will not impede the four foot of unstructured decking required around the pool perimeter for emergency rescue.
 - Introduce physical barriers and guides to prohibit gathering.
 - Provide physical cues or guides (for example, lane lines in the water or chairs and tables on the deck) and visual cues (for example, tape on the decks, floors, or sidewalks) and signs to ensure that staff, patrons, and swimmers stay at least 6 feet apart from those they don't live with, both in and out of the water.

- Monitor communal or shared spaces for social distancing.
- Stagger use of communal spaces (for example, in the water or breakroom), if possible, and [clean and disinfect](#) frequently touched surfaces regularly (based on daily usage but at least once during hours of operation and before opening). Clean and disinfect shared objects each time they are used.
 - Discourage people from sharing items that are difficult to clean, sanitize, or disinfect or that are meant to come in contact with the face (for example, goggles, nose clips, and snorkels).
 - Discourage people from sharing items such as food, equipment, toys, and supplies with those they don't live with.
 - Ensure adequate equipment for patrons and swimmers, such as kick boards and pool noodles, to minimize sharing to the extent possible, or limiting use of equipment by one group of users at a time and cleaning and disinfecting between use.
- Seek approval of alterations or modification of the aquatic features.
 - Consult the company or engineer that designed the public pool before altering an aquatic feature (for example, slides and structures designed for climbing or playing).
 - Inform the local health authority of any planned alteration to equipment or aquatic features.
- Prepare food concession areas for service.
 - Ensure areas designated for dining encourage social distancing; design seating areas to ensure six (6) feet of separation.
 - Food Service Establishments must comply with the existing guidance published by the department.
- Establish contacts for patrons and staff members.
 - Assign monitoring responsibility to an appropriate staff member, such as a trained operator or assigned assistant.
 - Use lifeguards for water safety only, ensuring that lifeguards who are actively lifeguarding are not also expected to monitor handwashing, use of cloth face coverings, or social distancing of others.
 - Designate a COVID-19 Point of Contact staff member to be responsible for responding to COVID-19 concerns. All staff should know who this person is and how to contact him or her.
 - Limit public pool use to only staff, patrons, and swimmers who live in the local area, if feasible.
- Assess communication systems and put methods in place.
 - Have staff, patrons, and swimmers self-report if they have [symptoms](#) of COVID-19.
 - Have staff report a positive test for COVID-19, or if they were exposed to someone with COVID-19 within the last 14 days.
 - Broadcast [regular announcements about how to stop the spread on PA system](#).

- Include messages about behaviors that prevent the spread of COVID-19 in contacts with individual patrons or households, in emails, on facility websites (for example, posting online [videos](#)), through facility's [social media accounts](#), and on entrance tickets, and via homeowners association websites and email.
- Utilize contactless forms of patron check-in; suspend use of wristbands and handstamps.
- Discontinue organized events or classes.
 - Due to social distancing requirements, limits on gatherings, and spectator safety considerations, all organized sport competitions should be postponed.
 - **Consult with your local jurisdiction**, sport governing or certifying body for requirements or recommendations to determine if events, such as aquatic fitness classes, swim lessons and swim team practice can commence while maintaining the requirements and intent of this guidance. However, swim meets, celebrations, and party bookings should not occur at this time.

How to Prepare for When a Staff Member or a Patron Becomes Ill or Gets Sick

To prepare for when someone gets sick, operators of public swimming pools should establish plans for the following:

- Isolating and requesting appropriate transportation for those who are sick to their home or a healthcare provider.
 - Immediately separating staff, patrons, or swimmers with COVID-19 [symptoms](#) (such as cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell).
 - Establishing procedures for contacting emergency personnel or a family member to transport anyone who is sick to their home or to a healthcare provider.
- Notifying public health officials if someone is sick.
 - Immediately notifying designated Point of Contact, who will contact [local public health officials](#).
 - Public health will inform those who have had [close contact](#) with a person diagnosed with COVID-19 to stay home, [self-monitor for symptoms](#), and follow [CDC guidance](#) if symptoms develop.
- Cleaning and disinfecting an area used by an ill person.
 - Closing off areas used by a sick person and not using the areas until after cleaning and disinfecting them.
 - Waiting more than 24 hours before cleaning and disinfecting these areas.
 - Ensuring [safe and correct](#) use and storage of [EPA-approved List N disinfectants](#), including storing products securely away from children.

Statewide Mitigation Measures for Non-Critical Infrastructure

The following requirements are found in Executive Order 05.12.20.02 and are applicable to all businesses and organizations that are not considered Critical Infrastructure, including public swimming pools:

- Screen and evaluate workers who exhibit signs of illness, such as a fever over 100.4°F, cough, shortness of breath or difficulty breathing, chills, muscle pain, sore throat, or new loss of taste or smell. *While it is strongly recommended that each facility have an infrared thermometer on hand to screen employees, it is not required. Employees may screen themselves with their own thermometers and do their own [symptom checking](#) prior to coming to work. Consider using the screening methods in CDC's [General Business FAQs](#).*
- Require workers who exhibit signs of illness to not report to work or to seek medical attention. *An employee with known or suspected COVID-19 must follow CDC guidelines to self-isolate for at least for at least ten days after symptom onset and end isolation only after symptoms have shown progressive improvement and the employee has been fever-free for three consecutive days without medication before returning to work. Employers should consider implementing sick leave (time off) policies and practices for staff that are flexible and non-punitive. Employers should also consider developing return-to-work policies aligned with CDC's [criteria to discontinue home isolation](#).*
- Require hand washing or sanitation by workers at appropriate places within the location. *Use proper hand hygiene and respiratory etiquette. Encourage all staff, patrons, and swimmers to [wash their hands](#) often and cover their coughs and sneezes. Provide adequate supplies to support proper hygiene. Supplies include soap, hand sanitizer with at least 60 percent alcohol, if feasible (for adults and older children who can safely use hand sanitizer), paper towels, tissues, and no-touch trash cans.*
- Prohibit gatherings during hours of operation. *No more than ten people may be present at a single location if six feet of distance cannot be maintained between each person. However, public swimming pools are strongly encouraged to ensure that people who do not live together maintain social distancing even in groups smaller than ten people.*
- Permit workers to take breaks and meals outside, in their office or personal workspace, or in such other areas where Social Distancing is attainable.
- Implement teleworking as practicable.
- Implement staggered shifts as practicable. *Stagger or rotate shifts to limit the number of staff members present at the public pool at the same time.*
- Deliver intangible services remotely as practicable.
- Discourage workers from using other workers' phones, desks, offices, or other tools and equipment (*such as pens, pencils, etc.*).

- Prohibit handshaking and unnecessary person-to-person contact in the workplace.
- For retailers and service providers, provide for alternative points of sale outside of buildings, including curbside pick-up or delivery of products and/or services if an alternate point of sale is permitted under Georgia law.
- For retailers and service providers, open sales registers must be at least six feet apart.
- Point of sale equipment should be frequently cleaned and sanitized. *Registers and point of sale machines should be cleaned and sanitized between uses by different employees.*
- If practicable, provide personal protective equipment as available and appropriate to the function and location of the worker within the business location. *Encourage the [proper use of cloth face coverings](#) as feasible. Face coverings are **most** essential at times when physical distancing is difficult. Advise those wearing face coverings to not wear them in the water. Cloth face coverings can be difficult to breathe through when they're wet.*
- If practicable, provide disinfectant and sanitation products for workers to clean their workspace, equipment, and tools.
- If practicable, increase physical space between workers' worksites to at least six feet. *Where possible, stagger workstations to avoid workers standing next to each other. Where six feet of separation is not possible, consider spacing options that include other mitigation efforts, such as cloth face coverings and increased frequency of cleaning and sanitizing surfaces.*
- Post a sign on the front of the facility stating that individuals who have a fever or other symptoms of COVID-19 shall not enter. *According to current CDC guidance, symptoms of COVID-19 may include cough, shortness of breath or difficulty breathing, fever, chills, muscle pain, sore throat, or new loss of taste or smell.*
- Enhance sanitation as appropriate. *A list of approved disinfectants from the Environmental Protection Agency that are shown to be effective against SARS-CoV-2, the virus that causes COVID-19, can be found here: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>. An alternative disinfectant can be used: 1/3 cup of unscented bleach added to 1 gallon of water. Do not mix bleach with other cleaning and disinfection products together because this can cause fumes that are very dangerous to breathe in. Schedule time for disinfection.*
- Disinfect common surfaces regularly. *Clean and disinfect restrooms regularly, check restrooms based on the frequency of use, and ensure adequate supply of soap and paper towels is available. Clean and disinfect frequently touched surfaces based on daily usage but at least once during hours of operation and before opening. General CDC guidance on cleaning and disinfecting can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>.*

- Hold all meetings and conferences virtually, as practicable. *Provide staff training on all safety protocols and new procedures. Conduct training virtually or ensure that [social distancing](#) is maintained during in-person training.*
- Place notices that encourage hand hygiene at the entrance to the pool and in other areas where they are likely to be seen.
- Enforce Social Distancing of non-cohabitating persons while present on the public swimming pool's leased or owned property. *Ensure that non-cohabitating patrons and swimmers maintain 6 feet of separation on the pool decks and in the water.*
- Increase physical space between workers and patrons. *Exceptions to the social distancing guidance include: anyone rescuing a distressed swimmer, providing first aid, or performing cardiopulmonary resuscitation, with or without an automated external defibrillator; and individuals in the process of evacuating a public pool or entire facility due to an emergency.*
- Frequently disinfect Personal Identification Number ("PIN") pads, PIN entry devices, electronic signature capture, and any other credit card receipt signature capture devices if in use.
- If the public swimming pool engages volunteers or has members of the public participate in activities, prohibit volunteering or participation in activities for persons diagnosed with COVID-19, having exhibited symptoms of COVID-19, or having had contact with a person that has or is suspected to have COVID-19 within the past fourteen (14) days.

Resources

Considerations for Public Pools, Hot Tubs, and Water Playgrounds During COVID-19

<https://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/aquatic-venues.html>

State of Georgia Executive Order 04.23.20.02, Reviving a Healthy Georgia,

<https://gov.georgia.gov/executive-action/executive-orders/2020-executive-orders>.

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

Cleaning and Disinfecting for Reopening,

<https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html>.

Guidance for Building Water Systems,

<https://www.cdc.gov/coronavirus/2019-ncov/php/building-water-system.html>.

Parks and Recreational Facilities

<https://www.cdc.gov/coronavirus/2019-ncov/community/parks-rec/index.html>



Collection of Assessments During the Time of COVID-19

by | Stephen A. Finamore, Esq.

During these difficult and uncertain times, our firm has been receiving inquiries from clients concerning collection activities. The inquiries have ranged from whether assessments and

out-of-pocket expenses should be waived or forgiven, to whether collection efforts should be delayed or canceled. Our firm recommends that an association's standard operating procedure for collections should not be significantly altered during the COVID-19 pandemic.

Reduction, Stay, or Waiver of Assessments

The assessments levied in the 2020 budget should remain in effect. Governing documents rarely permit a board to unilaterally reduce, stay, or waive any portion of the annual assessment or installments thereof. Even if a board is authorized to effectuate a change to the assessments, this would not be a prudent budgeting decision. The board cannot be certain how the association's financial needs may be impacted over the next several months. It may very well be that the assessments received from those who are able to pay over the next several months will be critical for operation of the association.

Assessments, late fees, interest, and other such charges should continue to be due according to Association's routine practices. Issuing a policy suspending all consequences for nonpayment before owners have decided whether to pay, undermines the goal of encouraging owners to continue to pay. By removing consequences, non-payment of assessments may become a self-fulfilling prophecy. Continuing routine practices is also a good way to incentive individuals who are experiencing hardship to approach the board with a proposal for resolution.

Working with Owners

As always, facilitating voluntary payment from owners remains the most cost and time efficient manner of collecting unpaid amounts. The Association should communicate with the community requesting that any owner that is experiencing financial hardships as a result of COVID-19 pandemic to contact the Association. We encourage the Association to work with those owners to reach a reasonable plan to arrange for payment of assessments. Our firm is committed to working with our clients to help facilitate and finalize such payment plans.

In reaching agreements with owners, it is important to try to secure predictable timelines and assurances of payment. The agreement should identify a predictable schedule for payment and secure a remedy to the Association in the event of default. Waiver of late fees and interest should be deferred until the terms of the agreement have been completed. This operates as an incentive for compliance.

Collection Activities

It is important for communities not to suspend, terminate, or delay all attempts to obtain payment of assessments. While the current situation is presenting challenges to owners and associations, boards need to balance the issues owners are facing with ensuring the interests of the association and the overall community are protected. Working with owners that are experiencing financial hardships as a result of COVID-19 is important, it is also important for boards to

take reasonable, appropriate actions to place the association, the community and the owners in the best possible position when the current situation is ultimately resolved.

So far, the ability to file recorded notices of lien, file lawsuits, serve those lawsuits, and file garnishments has remained mostly intact. While we are now beginning to see delays with our private process servers, it is important to recognize that this will be temporary. It is also important to recognize that many collection matters that have already been started may not yet be at the point where a potential delay or complication would be a concern. While there have been some delays in getting judgments entered and some limitations on filing garnishments, many of our firm's collection matters may still be months away from being at that point. For example, matters that have not yet been turned over for collections are a month away from recording a notice of lien and would be more than a few months away from the ability to garnish. It is also important to understand that the statute of limitations of four years for collecting assessments has not been, and most likely will not be, changed. Failing to take proper steps now may limit or defeat the available options later.

When the world returns to normal (and it will return to normal), the association's financial wellbeing may be significantly impacted by the actions taken and the decisions made concerning collection of assessments during this difficult time. ❖



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