



CORONAVIRUS POA PREPAREDNESS

AS OF 3/25/2020 THE INFORMATION TO BE PRESENTED IS
AS UP TO DATE AS POSSIBLE – THIS IS A RAPIDLY AND
EVOLVING TOPIC.

IF YOU WOULD LIKE A COPY OF THIS PRESENTATION,
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CORONAVIRUS POA PREPAREDNESS

PRESENTED BY:

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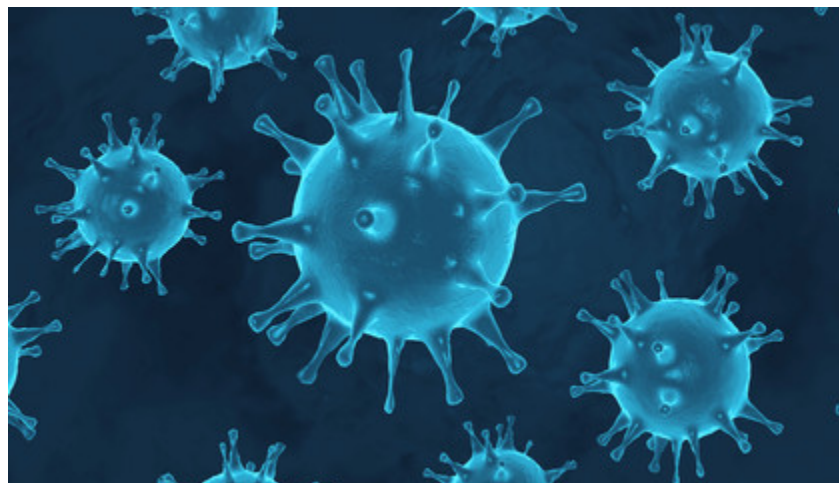
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CLINT BROWN



RMWBH PC

ATTORNEYS AND COUNSELORS AT LAW



GOALS

- Purpose for which the organization exists
- Communication to Boards
- Communication to Owners
- Effect on Facilities
- Effect on Services
- Shelter-in-Place Recommendations & Requirements
- POAs being reasonable

ASSOCIATION PURPOSE

- Health, safety, welfare
- Enforcement of covenants
- Enforcement of rules
- Protect and enhance values

NOTIFYING THE COMMUNITY

- Communication is a must
- POA **should not**
 - be responsible for guiding residents on issues regarding health & safety as not within course & scope of powers/duties of the Board



NOTIFYING THE COMMUNITY

- POA should
 - Provide residents with helpful links and resources
 - Educate & assist in determining their best course of action
 - Adjust day-to-day operations



EACH ASSOCIATION IS UNIQUE

- Condo – high rise
- Condo - garden
- Townhomes
- Single family
- Master planned
- Commercial
- Mixed use



NOTIFYING THE COMMUNITY

- The level of communication must consider the facilities for which the POA is responsible:
 - Community **does not** have any common areas / community events
 - Communication would be directed towards meetings, events or gatherings.
 - Role of management



NOTIFYING THE COMMUNITY

- Community does have common areas / community events
 - Communication would be directed towards:
 - Meetings, events and gatherings
 - Operation of facilities
 - Access, cleaning, etc.
 - Role of Management



NOTIFYING THE COMMUNITY

- CDC recommending gatherings be held to no more than 10 with social distancing – or no gatherings
- As of 3/25, counties now issuing stay at home or shelter-in-place orders:
 - Bell County, Bexar County (San Antonio), Brazos County, Cameron County, Castro County, Collin County, Dallas County (Dallas), Denton County, El Paso County, Fort Bend County, Galveston County, Harris County (Houston), Hidalgo County, Hunt County, Lampasas County, McLennan County (Waco), Rockwall County, Tarrant County (Fort Worth), Travis County (Austin) and Williamson County

ESSENTIAL BUSINESSES



ESSENTIAL ACTIVITIES*

- Pool maintenance
- Common area maintenance to prevent health issues
- Accounting issues related to closings
- Maintenance of facilities for safety not updating
- Services that assist essential services
- Security type services
- Garbage pickup
- Engineering services for the high-rise condo
- Action to prevent unauthorized construction
- Professional Services

** Please note each county may define what constitutes an "essential activity" differently. Refer to legal counsel for clarification*

ESSENTIAL ACTIVITIES

- What type of Manager are you?
 - Do you provide professional services to assist in compliance with legally mandated activities?
 - Do you provide services to assist or provide support to Essential Businesses?
 - Can you provide these services remotely?

EMPLOYMENT LAW CONSIDERATIONS FOR MANAGEMENT COMPANIES AND LARGE- SCALE ASSOCIATIONS

- Families First Coronavirus Response Act signed into law March 18th
- Goes into effect April 2nd
- Requires employers with fewer than 500 employees to provide additional leave (some paid and some unpaid) to employees who are unable to work or telework due to specific COVID-19-related reasons

EMPLOYMENT LAW CONSIDERATIONS FOR MANAGEMENT COMPANIES AND LARGE- SCALE ASSOCIATIONS

- U.S. Department of Labor may adopt certain exemptions for employers with fewer than 50 employees, but has not done so yet
- Please see the firm's [detailed article](#) regarding the new law for specifics and contact us with any questions



NOTIFYING THE COMMUNITY

- POAs **should**:
 - Use electronic communication
 - Use POA sponsored social media / text messages
 - In official communications to community members
 - **Do not** include opinions, editorials or hypotheticals

NOTIFYING THE COMMUNITY

- Confirmed case of COVID-19 within the POA
 - POA **should not** mention any names / disclose this information to the residents
 - What happens if there is a known positive case
 - What if the owner does not quarantine as required
 - Allow the County and / or City to decide what information is disseminate

POA: LIMIT THE POTENTIAL SPREAD OF ILLNESS

- To curb the potential spread of germs:
 - Extensive cleaning, disinfecting, or wiping down of common area & common area surfaces
 - Postponing or cancelling community events & meetings



POA: LIMIT THE POTENTIAL SPREAD OF ILLNESS

- To curb the potential spread of germs:
 - Closing common areas and amenities, such as gyms, clubhouses, and pools
 - Installing hand sanitizer and wipes in the common areas for resident and guest use



POA: LIMIT THE POTENTIAL SPREAD OF ILLNESS

- What about common area amenities that cannot be closed like a playground, tennis court or basketball court?
 - Advise the members not to use the amenity
 - Attempt to place "caution type tape" at access points
 - Use signage that the facility is closed
 - Recommend users follow all CDC recommendations
 - Associations must follow local orders

POA: LIMIT THE POTENTIAL SPREAD OF ILLNESS

- What about little Johnny using the playground, benches or basketball court?
 - Association gets reported case of person using amenities that cannot be closed
 - Local government authority requiring shelter-in-place is not an Association rule
 - Treat as any other criminal action within the community

POA: LIMIT THE POTENTIAL SPREAD OF ILLNESS

- Condominium POAs
 - With a central lobby area that cannot be locked down:
 - Establish a regular cleaning & disinfecting procedure
 - Follow CDC or more stringent local orders as to cleaning and social distancing
 - Develop a plan for Association employees in accordance with local and Texas orders



POA: LIMIT THE POTENTIAL SPREAD OF ILLNESS

- Condominium POAs
 - Determination of essential personnel
 - What if an essential employee is presumptive positive or positive
 - Effect on services if employees are quarantined/not essential
 - Valet
 - Concierge
 - Porter
 - Unit owner

POA CONTINUE TO HOLD BOARD MEETINGS?

- Board meetings may be held electronically and telephonically using conference platforms:
 - Zoom
 - GoToMeeting
 - Vast Conferencing
- Board meetings should be conducted per TPC & TBOC



POA CONTINUE TO HOLD BOARD MEETINGS?

- Notice of the board meeting must:
 - Contain instructions to give residents access to observing the meeting
 - All board members must be able to hear and speak

POA CONTINUE TO HOLD BOARD MEETINGS?

- These platforms may also be used for:
 - Resident forum portion of a meeting
 - Executive sessions but remember to have a different conference line



POA CONTINUE TO HOLD BOARD MEETINGS?

- POAs should consult with their attorney, review their governing documents, and state regulations to ensure proper procedures are followed with regard to the scheduling of remote meetings



POA HOLD ITS ANNUAL MEETINGS?

- **At this time, annual meetings should be postponed**
- If the POA wishes to proceed with the Annual Meeting, it should, if possible:
 - Utilize absentee or electronic ballot voting & hold the annual meeting virtually
 - If the Annual Meeting goes forward virtually, be sure it complies with state law and advice of counsel
 - If subject to shelter-in-place order, no in person meeting

POA HOLD ITS ANNUAL MEETINGS?

- Please refer to the POA's governing documents, state law and consult with the POA's attorney to ensure proper procedures are followed



POA BEING REASONABLE

- Continued collection issues
 - Suspension of foreclosures through _____?
- Continued deed restriction and rules enforcement
 - Suspension of notices, fines and hearings through _____?

POA BEING REASONABLE

- Association vendors
 - If they don't perform:
 - Suspension of payments
- Association vendors
 - If they want to perform
 - Do you need them to continue
 - Are they "essential" for purposes of shelter-in-place
- Vendors for condo unit owners



RESOURCES

- [Center of Disease Control \(CDC\)](#)
- [National Institute of Health \(NIH\)](#)
- [CAI](#)
- [National Association of County and City Health Officials](#)
- [CISA Guidance on Essential Critical Infrastructure Workers](#)

- Shelter-in-Place / Stay-at- Home Orders
 - Dallas
 - Houston
 - Austin
 - San Antonio
 - Fort Bend

CONCLUSION

- ***It is imperative that POAs remain calm when communicating to its residents with regard to COVID-19***
- ***As COVID-19 continues to develop, please monitor the actions of and statements made by local health officials, the POA's management team and the POA's attorney in order to determine how best to proceed as everyone makes their way through this evolving situation.***

As of 3/25/2020 the current information is up to date – this is a rapidly and evolving topic.

If you would like a copy of this presentation, please email:

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QUESTIONS



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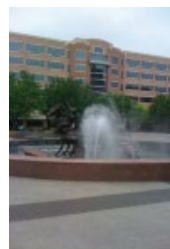
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