



COMMUNITY ASSOCIATION PANDEMIC UPDATE

April 21, 2020

Last month we provided a [“Best Practices” update](#) for association-specific coronavirus advice. We’re writing again to provide an update on recent developments.

COURTS ARE CLOSED THROUGH MAY 31, 2020

On April 14, 2020, the Kentucky Supreme Court issued [Amended Order 2020-22](#) which, among other orders, requires the closure of the courts to all matters except “emergency and time-sensitive matters” until at least May 31, 2020. While there are circumstances in which an association could have such emergency or time-sensitive matters, routine collections and covenant enforcement cases are effectively on hold. Further, all evictions are suspended indefinitely statewide pursuant to Section 5 of Gov. Beshear’s [March 25, 2020 Executive Order](#). That means landlords with problematic tenants have limited recourse to assist associations with covenant violations.

If you believe your association has an emergency or time-sensitive matter, please advise us immediately so we can determine whether a hearing is feasible and develop a timely plan of action.

WE RECOMMEND HALTING COLLECTIONS THROUGH MAY 31, 2020

Due to the closure of the courts, in addition to various debt relief programs implemented nationwide, our recommendation is that associations halt collection activities through at least May 31, 2020. You should continue to mail out invoices and statements, and be sure to track interest/late fees as you normally would. We encourage each association to be flexible on payment plans and consider forgiving or reducing interest/late fees during this period to help your members, who may be struggling.

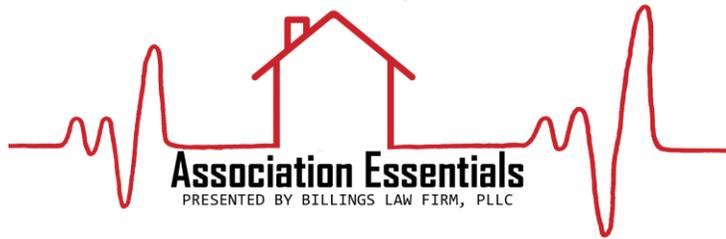
If you have questions or concerns about collections issues in your association, please contact us so we can make recommendations and offer guidance.

CLOSE NON-ESSENTIAL COMMON AREAS

Based on Gov. Beshear’s executive orders and the advice of our state and national health agencies, associations should immediately close all non-essential common areas. Such non-essential common areas may include, without limitation: indoor recreational facilities; clubhouses; on-site offices; gyms and exercise rooms; game rooms; and meeting rooms. Certain outdoor amenities may need temporary regulations, for example: no group fitness activities such as basketball; maintaining social distancing on trails; and wearing facemasks while using common areas.

KEEP YOUR ESSENTIAL COMMON AREAS CLEAN

To the extent your association has essential common areas which cannot be closed or meaningfully restricted; you should use their best reasonable efforts to ensure all common/community areas are kept clean when feasible. These include clubhouses (example: member mailboxes located within the clubhouse), hallways, elevators, gates, doors, handles and similar features. Use [CDC protocols](#)



for regular cleaning and disinfecting. Current research suggests that the virus can survive on some surfaces up to seven (7) days, so regular and recurrent cleaning is absolutely necessary in essential common areas. As a best practice, you should post notices in these areas encouraging users to wear gloves and masks, to refrain touching surfaces except as strictly necessary, to wash their hands regularly, and to refrain from congregating in confined spaces (i.e., observe social distancing guidelines).

EVERYONE SHOULD BE WEARING A MASK IN PUBLIC

Initially, social distancing was deemed to be a sufficient deterrent to the virus. Additional testing and research indicate that the virus can be transmitted through particles in the air, which can travel up to thirty (30) feet during a sneeze, and linger in the air afterward (think of a similar aerosolization device in your home such as canned air freshener or Febreze). Further, some carriers may be able to transmit the virus by releasing particles in the air merely by talking, whistling, spitting, or coughing, even when they have no symptoms at all. As a precaution, the current health advice is for *all* people—not just the high-risk—to wear a mask in public. If you do not have a mask, there are helpful how-to resources online, such as [this one provided by the CDC](#).

If you have additional questions about responding to coronavirus or any other association related issue, please contact Billings Law Firm and we will be happy to assist.

We hope you are staying safe and healthy during this challenging time, and look forward to continuing to serve you in the future.

Best,
The Billings Law Firm Team