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## **COVID-19: OPERATING YOUR PROPERTY OWNERS ASSOCIATION**

### **1. COMMUNICATION**

- Use email and phone communication as opposed to in-person meetings.
- Use only official POA owned or sponsored social media and websites to communicate.
- Consider posting on the POA website, and e-blasting to Owners, the contact information for essential services such as trash, utility services, and other vendors that owners may need to contact.
- Official communication should come from one voice (the manager, or a designated board member or members) so that information is not conflicting.
- Do not comment on, or provide on the state of the pandemic on official communications.
- Do not take on the responsibility of advising owners on matters of health and safety, consider providing references to governmental resources on the POA website.
  - <https://www.cdc.gov/>
  - <https://www.coronavirus.gov/>
  - <https://www.nih.gov/>
- Consider sending out regular e-blasts to Owners, as appropriate, even if short, to:
  - Advise on Association business that has taken place,
  - Advise on Availability of meeting minutes, budgets, or new documents,
  - Gently remind owners about requirements to continue to pay assessments and comply with the deed restrictions.
  - Remind Owners that communication is key during this crisis and that the Association will typically work with them to resolve their issues during this difficult time.

### **2. BOARD MEETINGS**

- Board meetings may be held via electronic or telephonic means. Notice of the board meeting, should:

- Be posted to the Association website (or placed in a conspicuous manner on Association Common Area), **and**
  - emailed to each Owner who has registered an email address with the Association, **and**
  - given 72 hours before the start of the meeting, containing the time, date, and general subject of the meeting, **and**
  - provide instructions on how owners may access the meeting telephonically or electronically in order to listen (dial-in number and access code).
- Executive session can take place before or after the regular meeting, via the same teleconference/video conference, in the same manner as regular board meetings.
  - Owner hearings can be done via teleconference or video conference as well, and do not require notice to all owners.
  - Take minutes as you normally would at any board meeting. Transmit the board packet in advance so that Directors know what the agenda items are, and can see any proposed documents, enforcement actions, and other items that require approval in open session.
  - For items that do not require open meeting approval, and are done outside of a meeting via email, be sure and summarize those items in the open meeting minutes.
  - Be mindful in phone conferences to state your name before speaking, do not speak over each other, designate one person to call for motions, call for votes to be taken, and document such votes.
  - There are numerous free sites available to conduct meetings via video or phone:
    - <https://www.freeconferencecallhd.com> (enables meetings by telephone conference, lines can be muted so that only Directors can speak, while owners can still listen)
    - <https://www.conferencecalling.com/> (another telephone conference service)
    - <https://www.zoom.us> (enables meetings by video conference).
    - <https://www.gotomeeting.com> (another video conference service)

### **3. ANNUAL MEETINGS**

- POA annual meetings should generally be postponed until the appropriate authorities deem it safe for people to meet in large groups again.
- It is not recommended that POA's hold annual meetings via electronic or telephonic means, due to statutory requirements that specifically apply to nonprofit corporations and POA's.
- Elections can be suspended along with POA annual meetings until the appropriate authorities deem it safe for people to meet in large groups again. While the crisis is ongoing,

directors will generally be qualified to serve until their successor is elected, once an election can be held. Consult with the POA attorney if there are concerns over specific circumstances related to elections.

- In extreme circumstances, where it is urgent that a member vote take place, consult with the POA attorney to formulate a plan to enable a vote, while complying with applicable law and avoiding meeting in-person.
- Once the appropriate authorities deem it safe for people to meet in large groups again, hold the annual meeting if it was postponed. Consult with the Association attorney for unique issues related to electronic and absentee ballots already cast, notice requirements, and solicitation of candidates.

#### **4. COMMON AREAS**

- Common Areas and Facilities like pools, gyms, clubhouses, and playgrounds should be closed. The Association may permit owners to use open areas like parks, trails, ball fields, and other large open areas other than playgrounds.
- Volunteer services should be suspended if it involves owners leaving their homes, or coming into contact with other persons.
- Insurance carriers are recommending that such Common Areas be closed, and in many if not all instances, liability insurance does not cover virus-related incidents.
- The Association's board of directors does have the authority to close its Common Areas and Facilities, post signs in conspicuous locations to advise on the closures.
- Common Facilities should be cleaned in accordance with guidelines promulgated by appropriate agencies, see the links above for more information about cleanliness.

#### **5. COLLECTIONS**

- POA's must be able to operate during and after the pandemic crisis. As a result, the need to continue levying and collecting assessments in the normal course of business is imperative. The financial situation is likely to be worse the longer the pandemic continues, and therefore, reducing cash flow to the Association before it is an absolutely necessity is not recommended.
- It is recommended that 209 letters be sent out as they normally would, so that when things return to normal, collections will not lag.
- POA's can be mindful of special circumstances that individual Owners may have as a result of this pandemic. Boards should consider being more lenient on payment plan terms, until things return to normal. However, assessments cannot be waived for individual Owners.
- Foreclosure sales are not taking place at this time, until further notice, due to the County facilities, at which the foreclosures take place, being closed. Eviction activity is suspended until further notice due to similar issues.

- POA's should consult with their attorney to address owners in unique circumstances or devise a collection plan to balance Association needs with the effect of the pandemic on individual owner finances.

## **6. ENFORCEMENT**

- To the extent practical, POA's should continue to enforcement action. If property maintenance issues and deed restriction compliance become too lax, it could be challenging to recover once the crisis is over. POA's can be mindful of special circumstances and may consider providing more time for owners to correct violations that are not severe.
- For severe violations, normal procedure should be followed. POA's should consult with their attorney to address owners in unique circumstances that require special consideration.

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