

**Nichole Papanikolas**

**From:** Carolyn Goldschmidt [REDACTED]  
**Sent:** Monday, May 18, 2020 9:29 PM  
**To:** District4  
**Subject:** letter re: Agenda Item #18 May 19th meeting  
**Attachments:** letter to District 4 re HOA swimming pools.pdf

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Hopefully, the attached letter pertaining to swimming pools in homeowners associations and condominiums can be distributed to Supervisor Christy and the other Supervisors for tomorrow's meeting. Thank you

Sincerely,

*Carolyn B. Goldschmidt, Esq.*



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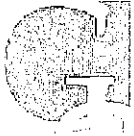
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**GOLDSCHMIDT SHUPE** PLLC  
**ATTORNEYS AT LAW**

May 18, 2020

Mr. Steve Christy  
via email only to [District4@pima.gov](mailto:District4@pima.gov)

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**Re: swimming pools in homeowners association**

Dear Mr. Christy:

I am writing with input for tomorrow morning's Board of Supervisors' meeting (Agenda Item #18) pertaining to the Proclamation of May 13<sup>th</sup> particularly regarding Section 3 of the Proclamation. Our law practice is limited to the representation of several hundred homeowners associations and condominiums throughout Pima County. Now that Governor Ducey's Stay Home Order has expired, residents all over Pima County are clamoring to use the pool in their homeowners association or condominium. The associations' Boards of Directors have legal duties to keep the common areas reasonably safe and have concerns about reducing liability exposure for any COVID-related claims. Therefore, they need to adhere to all pertinent Health Codes that apply to semi-public pools.

Many of the swimming pools at issue are very small and serve communities of 100 or less units. Nevertheless, because of their designation as semi-public, they have the same requirements as an Olympic-sized pool at a large master-planned community. Precautions and protections are needed, as outlined in the Guidance issued with Governor Ducey's May 12<sup>th</sup> Executive Order 2020-36. However, requiring cleaning of door handles, etc. every 2-3 hours and posting on line cleaning logs to document this cleaning is impossible for these homeowners associations to sustain. Many other of the temporary measures in Section 3 of the Proclamation also do not apply to these smaller pools.

It is important that Section 3 of the May 13<sup>th</sup> Proclamation be revised to make the measures outlined guidelines rather than regulations. Alternatively, swimming pools under a specified size could be exempted from all or some of the requirements in Section 3. The way it stands now, many homeowners associations are not opening swimming pools due to liability concerns and many residents are very upset about it.

Thank you for your consideration.

Sincerely,

Carolyn B. Goldschmidt