



California Apartment Association

980 Ninth Street, Suite 1430
Sacramento, CA 95814
800.967.4222 • caanet.org

June 17, 2020

Erica Pan, MD, MPH, FAAP
Interim Public Health Officer
Alameda County
1000 Broadway, 5th Floor
Oakland, CA 94607

Christopher Farintano, M.D.
Public Health Officer
Contra Costa County
50 Douglas Drive, Suite 310-A
Martinez, CA 94553

Matthew Willis, MD, MPH
Public Health Officer
Marin County
3420 Kerner Boulevard
San Rafael, CA 94903

Sara H. Cody, M.D.
Public Health Officer
Santa Clara County
976 Lenzen Ave, 2nd Floor
San Jose, CA 95126

Tomas J. Aragon, MD, DrPH
Public Health Officer
San Francisco County
101 Grove Street, Room 308
San Francisco, CA 94102

Scott Morrow, MD, MPH, MBA
Public Health Officer
San Mateo County
235 37th Avenue
Redwood City, CA 94403

Lisa B. Hernandez, MD, MPH
Public Health Officer
City of Berkeley
1947 Center Street, 2nd Floor
Berkeley, CA 94707

RE: COVID-19 Public Health Orders Impact on Apartment Communities & Amenities

Dear Drs. Pan, Farintano, Willis, Cody, Aragon, Morrow, and Hernandez:

On behalf of the California Apartment Association (CAA) and its members, I want to express sincere appreciation for your collective leadership and dedication to the health and safety of Bay Area residents. You have all taken swift and vigilant actions to prevent the spread of the COVID-19 virus. The rental housing industry shares your commitment to ensuring the health of all residents.

By way of background, the California Apartment Association (CAA) is the largest statewide rental housing trade association in the country, representing more than 50,000 single and multifamily apartment owners and property managers, who are responsible for over two million affordable and market-rate rental housing units throughout California. CAA's mission is to promote fairness and equality in the rental of residential housing and to promote and the availability of high-quality units throughout the state.



As the state of California and the Bay Area slowly and safely begin to reopen, CAA appreciates that public health departments play an important role in protecting and improving the health of citizens by ensuring safe practices and behaviors that reduce the risk of COVID-19 transmission. Our goal is to work closely with you to ensure that these orders balance the unique circumstances facing rental housing providers while ensuring the health of the community.

Over the past few weeks, each Bay Area county has issued different regulations for the safe operation of swimming pools. It is anticipated that guidelines for the safe operation of fitness centers could be forthcoming. The swimming pool guidelines appear to be written with public pools, school athletic facilities, or cabana clubs in mind. In writing this letter, CAA aims to provide feedback that would allow for a more consistent and uniform approach to operating pools at apartment communities and that anticipates the re-opening of fitness centers and other resident amenities at apartment communities.

CAA members are encouraged by the following statement from the Centers for Disease Control and Prevention (CDC): “There is no evidence that the virus that causes COVID-19 can be spread to people through the water in pools, hot tubs, or water playgrounds. Additionally, proper operation of these aquatic venues and disinfection of the water (with chlorine or bromine) should inactivate the virus.” Many residents of apartment communities are eager to use their pool safely and find ways to enjoy the other community amenities.

Residents in the Bay Area have been sheltering in place in their apartments since March, and the reopening of a low-risk amenity like swimming pools goes a long way to promoting one’s mental and physical health especially as their physical mobility is limited by the Shelter in Place order; however, the reopening of pools as outlined in the various Bay Area public health orders brings about several challenges to owners of apartment communities. We respectfully request that you take the following actions:

1. Align the Bay Area public health orders as much as possible especially in relation to the operation of rental housing.
2. Consider the feedback and recommendations below related to swimming pools and other amenities at apartment communities to ensure a safe and consistent approach for Bay Area renters and rental housing operators.

There are inconsistencies and ambiguities between the various public health orders in Northern California. Figuring out how to adopt and implement a pool policy in a manner consistent with those orders is difficult and costly. Differences among these orders include the requirements to have an active pool monitor, provide hand sanitizer, post different signage, cleaning requirements, chemical testing, placement/removal of pool furniture, pool reservation systems, and pool capacity limits. Many owners operate in multiple jurisdictions, and compliance with seven different orders can be a nearly impossible feat.

In Santa Clara County, for instance, in order to operate a pool, “[a]t least one person, separate from a lifeguard, shall be on duty at all times to ensure that the social distancing



protocol applicable to the facility and all limitations herein are followed.” In a public pool, requiring an active pool monitor is typical because there are already employees at public pools hired specifically for this purpose. However, this requirement adds an immense cost to the operations of an apartment complex that does not have dedicated pool employees. Additionally, the lack of specificity in guidelines for pools tailored to apartment communities leaves owners guessing on how to comply as not all pools are operated or set up the same way.

Based on feedback from CAA members and rental housing providers across the region, it is our request that as you consider revisions and updates to the public health orders, you include guidelines that allow for the operation of pools at apartment communities/multifamily housing subject to the following:

- Pools should be open to a limited number of resident households at a time with the apartment management having the option but not the requirement of being able to issue appointments/reservations to no more than a certain number of households during a given time based on spacing requirements.
- To reduce risk of congregation, pool furniture should be limited.
- An active pool monitor should not be required.
- Management shall have a protocol to clean and disinfect frequently, using EPA approved disinfectants, high contact surfaces such as handrails, slides, structures for climbing or playing, lounge chairs, tabletops, door handles and surfaces of restrooms, handwashing stations, diaper changing stations, and showers.
- Pool access should be limited to full time residents of the apartment community only and not guests (except when necessary as a reasonable accommodation, for example a resident with mobility issues may require an aide).
- Parties or gatherings in the pool area or other common areas should be prohibited.
- Social distancing of at least six feet apart between different households if more than one household is allowed to use the pool at a time should be encouraged.
- Face coverings must be worn in common areas unless it is medically inadvisable. Face coverings should not be worn in the pool.
- A staff member should be designated for responding to any COVID-19 concerns.
- Any shared equipment such as pool noodles, kickboards, or towels should not be used.
- Items that are difficult to clean or sanitize should be prohibited or removed.



- Pool hours should be established to ensure enough time to clean high-touch surfaces and equipment.
- Signs should be posted to remind the community about how to stop the spread of COVID-19. Signs should include reminders of pool rules, encourage handwashing and the use of cloth covers, reiterate the importance of maintaining social distancing from non-household members, and encourage residents to stay home if they are ill or have symptoms consistent with COVID-19.
- If more than one entry point to the pool area exists, consider designating these entry points for one-way traffic to avoid close contact between different households, unless such a protocol would violate building code requirements for pool area ingress and egress.

Apartment community fitness centers operate quite differently from membership-based gyms or group fitness studios. As such, public health orders should allow for different standards to reopen these amenities in apartment communities/multifamily housing. Borrowing from CDC guidance on this topic, CAA suggests that public health orders allow the use of on-site fitness centers with the following guidelines:

- Gyms should be open to a limited number of residents at a time with the apartment management having the option but not the requirement of being able to issue appointments/reservations to no more than a certain number of residents during a given time based on spacing requirements.
- Space gym equipment at least six feet apart, with greater distancing for treadmills and other high-exertion aerobic fitness equipment.
- Management shall have a protocol to clean and disinfect frequently, using EPA approved disinfectants on high-contact surfaces such as personal exercise machines and equipment, countertops, vending machines, doorknobs, and hand washing facilities.
- Disinfectant wipes and hand sanitizer should be available to all residents while using the fitness center
- Shared restroom facilities and locker rooms should be cleaned regularly throughout the day using EPA-registered disinfectants.
- Establish gym hours to ensure enough time to clean high-touch surfaces and equipment.
- Prohibit or remove items that are difficult to clean or sanitize.
- Limit access to residents only and not guests (except when necessary as a reasonable accommodation, for example a resident with mobility issues may require an aide).



- Require residents to disinfect individual exercise equipment, mats, and machines before and after use with provided disinfecting wipes. Ensure that lined, non-touch trash receptacles are available throughout the fitness facility to dispose of used wipes.
- Post signs to remind the community about how to stop the spread of COVID-19, reiterating pool rules, recommending that individuals wash their hands, use cloth covers, and maintain social distancing from people not in their household.
- Require self-screening by residents in lieu of any active or verbal screening upon entry to the fitness center

Swimming pools, fitness centers, and outdoor spaces are critical and important amenities to residents who reside in multifamily housing. These amenities often serve as their “backyard” -- they are critical to residents’ physical and mental health, providing opportunities for exercise outside the four walls of their living spaces without venturing too far out. With proper protocols, we are confident our members can safely reopen and operate these important amenities.

Thank you for your leadership during these times. Please know that the California Apartment Association stands ready to work closely with you to protect Bay Area residents while allowing them to use amenities at their homes, which is important for physical and mental health.

Sincerely,



Joshua Howard
Executive Vice President, Local Public Affairs
California Apartment Association

