



Tuesday, February 23, 2021

Judith M. Persichilli, RN, BSN, MA  
Commissioner, Department of Health  
State of New Jersey  
PO Box 360  
Trenton, NJ 08625-0360

Dear Commissioner Persichilli:

The Community Associations Institute of New Jersey (CAI-NJ) represents the interests of nearly 7,000 common interest communities (CIC) and their 1.5 million residents in our state. CICs are governed by executive boards comprised of resident volunteers. Last summer, 84% of the CIC associations in New Jersey decided to keep their pools closed for swimming. Virtually all had been willing to attempt to comply with the Department's July 1, 2020 Executive Directive 20-022 regulations but chose not to open due to potential significant legal and insurance liabilities stemming from the coronavirus (COVID-19).

We are hoping the increased vaccination rate, particularly in our age-restricted communities, and the fact that the CDC has stated COVID-19 does not spread through the waters of outdoor pools, may enable the Department to provide some flexibility in its regulations.

In preparation for the 2021 swim season, CAI-NJ is asking if the Department would consider issuing guidance and resources which would make it easier for CICs to comply with the regulations, particularly Executive Directive 20-031. We offer some suggestions for supporting CICs in compliant opening for the coming season as follows:

- A sample form/worksheet to ease the production & review of CPOPP documents.
- Special Consideration for indoor capacities & permissions for use when training lifeguard staff to help insure adequate staff for the season.
- Release of any data gleaned through contact tracing regarding the number of cases connected to swimming pool facilities/usage. (We understand that since the pandemic began last year, nationally there have been no reported instances of transmitting COVID-19 or insurance claims at CIC pools.)
- Best practices in Capacity Management Strategies, Electronic Reservation & Access Systems, modified pool passes, Gate Attendants at moderately use facilities, Modified Pool Schedules, etc.
- Permit the closing of bathroom facilities adjacent to the pool, or least, making them unisex, in order to reduce the areas that need to be cleaned after each use. If pool use is

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restricted to only residents of the community, they can go to their bathrooms at home. Similarly, they can use their home showers.

- Expressly permit in moderate sized communities that the role of the pool ambassador and the COVID-19 liaison could be performed by the same person, again to reduce the cost without affecting safety.
- Offer examples of DOH acceptable compliance strategies for the requirements under the plan.
- Sample Staffing Plans for Communities of different sizes and use levels, for example in some cases Ambassador and Cleaning Roles could be accomplished by the same individual depending on maximum capacity.
- Model Training Plan for COVID-19 Awareness for pool staff
- Zoom enabled Educational Sessions or Presentations in conjunction with CAI to address CIC and general FAQ.

We look forward to working with the Department and the Local Health Agencies as we endeavor to responsibly open pools and amenities for our residents, while protecting them and other residents from COVID-19. Angela Kavanaugh, Executive Director of CAI-NJ can be reached at 609.588.0030, or by email at [angela@cainj.org](mailto:angela@cainj.org).

Thank you for the opportunity to review this important matter with you.

Sincerely,



Loren Lightman, Esq.  
2021 CAI-NJ Chapter President



George Greatrex, Esq.  
2021 CAI-NJ Legislative Action Committee Chair