

## Protecting Your HOA's Amenities

Swimming pools, clubhouses and gyms are just a few of the amenities that attract homebuyers to condominium or homeowners association (HOA) communities. HOA members are able to enjoy these offerings without the hassle and high cost of owning them on their own.

Depending on the demographics of the HOA community, the type of amenities offered varies widely. From storage areas and parking garages to swimming pools and clubhouses, amenities add convenience and leisure to the HOA. They also do the following:

- Attract potential homebuyers by sharing the cost of amenities, such as a pool, that they may not be able to afford on their own.
- Contribute to the unity of the HOA community by providing common areas, such as a clubhouse or outdoor patio, where members can socialize.
- Offer the convenience of certain on-site facilities, such as a gym, so members don't have to go far from home.
- Provide a space where the HOA can conduct business, such as meeting in the clubhouse.

Amenities add value to the HOA community, but they must be properly operated and maintained to minimize the risks that cause injuries or require costly maintenance.

### Identifying Risks

A swimming pool might attract a homebuyer to your HOA, but is it more trouble than it's worth? Each amenity

has its own set of risks that must be identified and addressed to keep members and their guests safe during use. Consider the following risks associated with these amenities:

- **Swimming pools and hot tubs:** Slipping off a diving board, swimming in contaminated water and most importantly, drowning, are just a few of the risks associated with pools.
- **Gyms and playgrounds:** Certain pieces of equipment—if not operated and maintained

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properly—could lead to injuries. Similarly, unsupervised children in a gym or playground are also at risk for accidents.

- **Clubhouses, community rooms and outdoor patios:** Areas used for entertaining can pose greater safety risks if they include stoves, ovens and grills. Location also matters; a rooftop deck could be more dangerous than a patio located at ground level.
- **Tennis and basketball courts:** These amenities may have fewer risks, but they must be maintained. Buckled surface areas could cause trips and falls.

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## Five Steps to Minimize Risks

Once you identify an amenity's safety issues, manage those risks with the following steps:

- 1. Check your HOA's bylaws, state statutes and local laws/codes regarding amenities:** The bylaws can provide some guidance on how to manage and maintain the HOA's amenities. If you decide to alter or change the amenity into something else, make sure to check with applicable local and state departments, as you may need approval for the renovation.
- 2. Eliminate parts of an amenity that create unusually high exposures:** Sometimes simply getting rid of certain parts of an amenity greatly reduce the risk of accidents or injuries. For example, eliminating slides and diving boards from a swimming pool may reduce the risk of certain injuries. Removing a grill on an outdoor patio will reduce the risk of a fire.
- 3. Define rules and restrictions for each amenity:** The HOA board should define rules and restrictions so each amenity is used properly. Rules should be written clearly so all members can understand them. It might be a good idea to have a legal professional review the rules to minimize the HOA's liability in the event of an accident. Post proper signage with the rules and restrictions by each amenity.

When writing rules and restrictions, consider the following:

- Who can use the amenity? Members only? Members and their guests? Will you allow your amenity to be rented by individuals or organizations outside of the HOA community? Some HOAs' governing documents specifically prohibit renting amenities to anyone outside of the HOA community. If your bylaws do not have this provision, consider that non-HOA members—while they may have paid to rent the facility—do not have the same personal stake in

properly using and protecting amenities as members do.

- What hours can members use the amenities? Each amenity should have designated hours that it can be used. For some amenities, such as a swimming pool, you may have to install locks or gates so it isn't used after hours.
  - What activities are prohibited? You may want to prohibit members from engaging in certain high-risk activities—such as smoking or drinking alcohol—while using amenities.
- 4. Communicate risks and rules to all HOA members:** Your entire HOA community should be aware of the rules and restrictions for each amenity. Communicate the rules by posting proper signage near each amenity and distributing printed copies to all members. If rules or restrictions change, inform the membership as soon as possible. Remind members of rules, such as redistributing the swimming pool rules before summer starts.
  - 5. Inspect amenities regularly:** All amenities should be inspected regularly to identify and correct risks so they are safe to use. Smoke detectors especially should be checked regularly to ensure they are in working order. Keep track of when amenities were checked by board members or the property manager, and maintain an inspection log.

## Insuring HOA Amenities

Amenities are an important part of living in an HOA community; keeping them in working order and with minimal safety risks are both key. Contact the professionals at Atlas Insurance Agency, Inc. about mitigating the risks of your HOA's amenities and protecting them with the proper insurance coverage.