

SUBJECT LINE: ACCESS TO HC, THE POOL AND SHORT TERM RENTING

All Owners,

Owners, Long Term Renters and Authorized Users as defined in the Rules are welcomed at Hamilton Cove and have been welcomed throughout this Safe at Home period. Included are people staying in a Unit with an Owner, Long Term Renter or Authorized User. This has never changed.

The Pool

Attached are the Rules permitting Owners and their immediate family members to use the pool. Also attached is the County Order the Rules are based upon. The Association needs time to comply with the signage and other provisions in the Order. The Rules will be effective June 12, 2020.

Short Term Renting

The Board has been meeting regularly by conference call trying to understand often ambiguous and conflicting laws and orders and trying to apply them to Hamilton Cove. There are 190 Owners. One hundred eleven (111) are in the business of renting their Units. Understandably, they want to reopen their businesses. However, the Board is required also to take into consideration our employees **and the interests of all Owners.**

The Board has been continuously told by certain government officials, Owners, and others to not worry about the applicable laws and orders; that they are not being enforced and that they never will be enforced. Many people point to hotels and other entities that they claim are not following the laws or orders as examples of what we should do. I learned not to rely on this type of justification as a child from my parents.

We are currently understaffed due to illness and the fact that individuals we would like to hire prefer to collect unemployment. We do not have the staff to return instantly to pre Covid-19 operation. There are extensive orders and protocols that apply to our employees. Not complying with them exposes the Association and all Owners to potential extreme liability. We have Workmen's Compensation Insurance. If an employee who contracts the virus claims he or she contracted it at work, **the employer must prove the claim is untrue.** A bigger problem is a Workmen's Compensation Willful and Serious claim which could be based upon not following the laws or orders. **Such claims are not covered by insurance and could be horrendous.**

The Board is also very concerned about liability to anyone coming to Hamilton Cove who contracts the virus. What did we do to make certain no one entering Hamilton Cove has the virus? **Our liability insurance excludes coverage for injury or damage related to the virus. We also do not have cost of defense coverage.** Another potential disaster which would affect all Owners.

On May 19, 2020 Avalon quietly eliminated the provision in its ordinance restricting transient renting. I say quietly because to this day, the ordinance has not been posted on Avalon's website. All I have been able to get is an unsigned copy of the ordinance. Members of the Board have talked to City Officials. They never mentioned the second ordinance. The Mayor called me, and we had a 40-minute discussion. She never mentioned the second ordinance. However, eliminating the original provision did not solve our or the City's problem.

Currently in force is the County Health Order issued May 26th. It allows **Essential** transportation and states that "Hotels, motels, shared rental units and similar facilities" are **Essential** Business. Some people read this as hotels etc. are open for Essential workers but not for leisure travelers. Some people urge that anyone who wants to come to Hamilton Cove be allowed to claim they are an Essential worker. We should just look the other way. That does not deal with the liability issues identified above.

At its May 27th meeting the City Council decided to ask the State and the County for a variance from the existing State and County orders. One of the variances it requested is for "Hotels/lodging for leisure and tourism—non-essential travel." The City would not be asking for a variance if it did not believe those items are prohibited by current State and County Orders.

The Board continues to try to sort this out. The Board will move to open Hamilton Cove to Short Term Renters when it feels the interests of our employees and **all** Owners are being protected. We are working on this problem daily.

We have received several supportive calls and emails which are appreciated. We have also received hreatening calls and emails. They are not helpful.

Norris J. Bishton, Jr.
President