

## New York City Condos and Coops Given Greenlight to Reopen Gyms & Fitness Centers

Beginning September 2, 2020, gyms and fitness centers in residential cooperatives (coops) and condominiums (condos) in New York City (NYC) are permitted to open. To avoid the risk of fines and other penalties, we advise that coops and condos, even if private, comply with the requirements set forth in the (1) New York State Department of Health Interim Guidance for Gyms & Fitness Centers During COVID-19 Public Health Emergency (NY gym guidelines) and (2) New York City Department of Health Reopening New York City: What Gyms and Fitness Center Operators Need to Know (NYC gym guidelines).

Boards must evaluate whether they will be able to implement the NY gym guidelines and NYC gym guidelines before considering reopening their gyms and fitness centers because the requirements are extensive, costly, and require governmental oversight. For example, operators of gyms and fitness centers must, *inter alia*, provide hygiene stations, screening and testing of patrons, contract tracing, tracking and reporting in the event a patron or employee tests positive for COVID-19, develop a communications and safety plan for patrons and employees setting forth the gyms rules and protocols, and strictly adhere to cleaning and disinfection protocols mandated by the Department of Health and Center for Disease Control and Prevention for public spaces. In addition, for facilities with central air handling systems, boards must ensure “that their central HVAC system filtration meets the highest rated filtration compatible with the currently installed filter rack and air handling systems, at a minimum MERV-13, or industry equivalent or greater (e.g., HEPA), as applicable, and as certified and documented by a certified HVAC technician, professional, or company, ASHRAE-certified professional, certified retro-commissioning professional, or New York licensed professional building engineer.”

Boards also need to submit an affirmation acknowledging that they are operating their gym and/or fitness center in accordance with the NY gym guidelines. Furthermore, coops and condos located in NYC must schedule and pass an inspection conducted by the New York City Department of Health (NYCDOH) by submitting a Gym and Fitness Facility Inspection Request and Attestation Form prior to reopening. NYC also requires that certain gyms and fitness centers obtain a special permit known as a physical culture establishment permit to operate. With NYC’s inspection requirements, boards must be wary that they are opening the door to further scrutiny of their buildings from multiple government agencies including the NYCDOH and New York City Department of Buildings.

NYC Department of Small Business Services is hosting a free webinar for gym operators on September 10, 2020, from 11:30 a.m. to 1:00 p.m. [RSVP to the webinar here.](#)

At this time, indoor group fitness classes in NYC are prohibited and indoor pools must remain closed.



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