Memo to Pool Companies located or operating in New York

New York Update as of March 29 at 2:00 pm

Source documents referenced below

• FAQs for Companies Working New York (revised 3/29/20)
• Email from the State: Pool Construction/Service Essential
• NESPA Letter to Officials (Pool & Spa Industry is Essential)
• Empire State Development: Guidance for Determining if Your Business is Essential
• Governor’s Guidance on Essential Workers
• Executive Order 202.8
• New York State: COVID-19 Info

On March 27, 2020 New York State revised its definition of essential business as to state that

“All non-essential construction must shut down except emergency construction, (e.g. a project necessary to protect health and safety of the occupants, or to continue a project if it would be unsafe to allow to remain undone until it is safe to shut the site). “

• Under this revised definition, pool construction is no longer permitted. This includes both currently open construction as well as new construction.
• Construction work does not include a single worker, who is the sole employee/worker on a job site.
• Companies can continue to provide pool & spa service.

In correspondence with the State, they have notified us that

• Pool opening has NOT been determined to be an essential business and does not currently fall under pool/spa maintenance which continues to be an essential business.

NESPA & PHTA are currently asking the State to change their position on openings and classify it as essential for the same reasons that pool maintenance is essential to our community.

Linked above are the full FAQs for how these restrictions will impact your business.

Additional guidance that may be helpful:

• Travel is restricted but there is a clear statement that employees can travel to and from work.
• Businesses are encouraged to give each employee a letter indicating that the employee works in an industry permitted to continue operations.
• Non-essential retail businesses must close storefront and brick-and-mortar operations. Businesses may continue any online operations. Hardware and home improvement stores are listed as an exception.

This information is being provided to you as a member of the Northeast Spa and Pool association and is intended for your use to make decisions about your individual business during the restrictions put in place as a result of the COVID-19 outbreak. If you have concerns about your specific business operation you should consult your attorney. This is not intended to be legal advice.

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