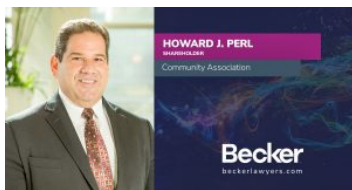


“Hurricane Preparation,” FCAP Managers Report

August 10, 2021

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Yes, it's that time of year again. The six month long hurricane season in South Florida. South Florida has seen an increase in hurricane activity over the past years, and that is expected to continue this year. Let's look at some ways community associations to prepare for such storms.

Information on how to prepare for storms and emergencies usually revolves around preparing the building, securing association property, etc. Let's talk about some of the other, just as important aspects that community associations need to be aware of in order to properly prepare for a storm, natural disaster or emergency.

Preparing for hurricanes, tropical storms and other disasters is a year round endeavor. Management contracts, landscaping contracts, security contracts, elevator contracts and construction contracts should all be reviewed for emergency procedures and in particular named storms. Some of the particular provisions that can be added into these types of contracts are:

Management Contracts

- What extraordinary relief services will be provided by your management company?
- What is the priority of relief services to be provided?
- What additional charges will you incur to have your manager oversee repair projects and does your management contract obligate the association to use your manager in this capacity?

Landscaping Contracts

- What relief and cleanup services will be provided and in what time frame post-storm?
- What preventative services can be provided pre-storm (i.e., tree trimming, staking trees, etc.)?
- Tree trimming should be completed before June 1st.

Security Contracts

- What relief services will be provided and in what time frame post-storm? How soon after a storm passes will you once again have security personnel in

place?

- In the event of a name storm, when will security leave their post? When do they return ?
- If you have electronic gates, what does your contract require in terms of securing those in the event of a storm?

Elevator Contracts

- What relief services will be provided and in what time frame post storm?
- If you do not have a generator for your elevator(s) what arrangements has the board made in the event the power is out for any length of time and residents cannot use the elevators?
- What preventative services can be provided pre-storm? Is a generator advisable and affordable?

Construction Contracts

- Any contracts for construction work on the association property should contain a clause requiring the contractor to secure the premises and their work material in the advent of a storm.

Miscellaneous Contracts

- Does the association lease any space to third parties? If so, do those contracts require the association to take any steps to secure the leased premises or clean up the leased premises in the event of a storm?

Association storm preparation and recovery should be a part of every one of the above types of contracts.

An association should have video and photographic documentation of the property condition, as well as an inventory of all association property, before a natural disaster or emergency occurs. This documentation should be updated every year

Documents

Community associations are not-for-profit corporations and, as such, rely heavily on various documents to function properly. Association records should be scanned and uploaded for temporary secure internet storage with hard copies placed in watertight Ziploc bags and secured in a fireproof box. With proper advance planning, your board will have peace of mind that the following documents have been safeguarded and will be available in the immediate aftermath of a storm.

Documents to be secured include:

- Insurance policies
- Resident lists
- Financial records
- Employee records
- Contracts
- Association Governing Documents
- Community Plat
- Plans & Specifications for the community
- Video, photographs and inventory list of association and association property
- Computer Records
 - Hard Drive back-up – thumb drive, online storage, thumb drive

Staff

Don't forget your staff! If the association has employees, the association's policies and procedures with regard to those employees' duties regarding storm preparation and storm cleanup need to be reviewed with legal counsel to ensure compliance with all local and federal ordinances. In addition, the board needs to discuss with counsel proper protocol to allow employees to leave early to secure their own residences and property in the advent of a storm and/or not to report to work after the storm until the property has been determined to be safe.

POST DISASTER

Immediate Actions

- Account for the whereabouts of residents;
- Attend to the injured;
- Secure the community from acts of vandalism and looting.
- Notify the police in the event of a theft;
- Document damage with photographs and video;
- Before making arrangements to remove storm debris other than life threatening or access obstructing, contact your city to see what plan of action it has for debris removal
- "Drying In"/"Shoring Up" the building structures in order to mitigate against further damage;
- Remove, where necessary, wet carpet, wall board, cabinets, etc. when necessary to prevent the growth of mold;
- Survey the property and identify areas needing priority attention; and
- Open lines of communications with the unit owners, contact emergency services, and notify the contractors and employees, advising of their duties and needs.

Reconstruction & Restoration

- Contact Your Attorney Immediately. This is critical to ensure that your insurance provider's requirements are met and that your community's rights are protected.
- Contact Your Insurance Agent.
- Resist the natural urge to use a public adjuster to shepherd your claim without first discussing advantages and disadvantages with legal counsel.
- Do NOT sign any contracts or releases without having them properly evaluated in advance by legal counsel.
- Resist the attempts by out-of-state and possibly unlicensed vendors who swarm to our state in the aftermath of a disaster to do business with you.
- Do not suspend common sense and/or forget to use the resources available to you. Performing due diligence on contractors should still be the norm.
- Discuss possibilities for conventional financing and/or SBA disaster loans to fund repair and reconstruction projects with your legal counsel.
- Be aware that most damage is not apparent to the visible eye or to anyone other than trained experts. Even if hurricane damage is not readily apparent at first, experts should be consulted to determine the extent of battering your community suffered.

Claims Process

DO NOT SETTLE A CLAIM WITHOUT YOUR ATTORNEY'S INVOLVEMENT.

Carefully document the event; this will provide the claims adjuster with a head start in evaluating the claim.

- Retain damaged property until a claims adjuster approves disposal (unless retaining such items poses a danger to safety).
- Prepare an inventory list of property damaged. List the quantity, the description, the actual cash value and actual loss. Attach bills, receipts and related documents.
- The claims adjuster from the insurance company should contact you in 2-5 business days from the date that you reported your claim.
- With your attorney obtain all possible evidence in the claim.
- Evidence includes, but is not limited to invoices, receipts, pictures, estimates, governing documents and correspondence regarding the claim.
- The evidence will be used to document the condition of the property and maintenance prior to the event, as well as damages caused by the loss, emergency repairs performed to mitigate further damage, and repairs made to the property.
- The damages that still need repair will be determined with an engineering baseline.
- Ensure compliance with all conditions precedent pursuant to the terms of the policy.
- Hire forensic experts to obtain a scope of repairs to bring the property back to its pre-loss state.
- Notify the insurance company that the association's attorney is representing the insured (association).
- Attempt to coordinate a re-inspection of the property with the association's expert and the insurance company to review discrepancies between what the insurance company says is due and what the association's expert says is due.
- Make all attempts to settle claim amicably.
- Do not "give in" just to settle a claim.
- Take further steps as necessary after consultation with your attorney.

Taking the above steps will assist the association in preparing for natural disasters or emergencies, dealing with the immediate aftermath and properly processing insurance claims.

To read the original FCAP Managers Report article, please [click here](#).

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