



TIPS ON PREPARING YOUR EMERGENCY OPERATION PLAN



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Hurricane season is in full swing. Experts believe that the best way to cope with a hurricane is to prepare a plan in advance. This article discusses the critical components of an “Emergency

Operations Plan” which every community should create before a hurricane or any other disaster threatens your area.

The purpose of an Emergency Operations Plan is to have a written procedure for your association, which can be implemented when a hurricane is threatening your area and implemented immediately in the event a disaster strikes your area. A plan will save valuable time in making decisions and preparations for an impending disaster and in the repair process afterward. In addition, your association management and staff will be able to react in a positive and expedient manner by knowing the total process involved in the preparedness and recovery effort.

I. Important Telephone Numbers.

The association should compile a list of important telephone numbers, including but not limited to 911; Sheriff's Department – Non-emergency; Fire Department – Non-emergency; Utility Companies (electricity, water, sewer, etc); Health Department; American Red Cross; Consumer Assistance Hotline and

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FEMA. In addition, the association should designate a person to be the “Information Facilitator” to disseminate important information to the owners regarding the condition of the property after the hurricane or disaster.

II. Definitions.

The Emergency Operations Plan should define important terms which will be used in the Emergency Operations Plan, such as “Hurricane Watch”, “Hurricane Warning”, “Storm Surge” and well as the different categories of hurricanes.

III. Pre-Hurricane Season Planning.

- **Evacuation Plan.** Remind owners of the building or community evacuation routes and be sure that all community members are provided with copies or printouts of the evacuation routes.
- **Emergency Supplies and Generators.** Compile a list of essential supplies, such as water, canned or packaged foods, baby food and diapers, first aid kit, extra prescription medications, toiletries, battery operated radio and flashlights and extra batteries, that each owner should purchase in preparation of a disaster.

In addition, the association should ensure that the emergency generators are in proper working order and have adequate fuel supplies and stock the building or community with emergency supplies, such as flashlights, batteries, water and other necessities the association may need in the aftermath of the disaster.

- **Insurance.** Remind owners to review his or her insurance coverage with his or her agent. In addition, the association should review all of its insurance policies to ensure that they are current and coverage is adequate for the community property, facilities and common areas and are compliant with applicable state law. Full contact details for insurance companies and agents should be readily available in the event of a disaster.
- **Photograph or Video the Premises.** Remind owners to compile an inventory of their personal belongings in the event of damage. Also, the association should survey the property and keep a visual record through video or photographs of premises, facilities and buildings to facilitate damage assessment and speed damage claims in a disaster aftermath.
- **Secure Documents.** Locate important documents, such as contracts, inventory book, financials and other official records and store documents in safe location. In addition, the computer files should be backed upon CDs or other portable storage devices. The association should have on hand a current, hard copy reference list complete with names of all owners and emergency contact numbers, as well as a list of all association employees with full contact details.
- **Mitigation of Damages and Debris Removal.** Prepare a plan for speedy removal of debris by the association,



maintenance staff, outside contractors or persons from public works. In addition, the association should devise a plan to mitigate damages which includes “drying in” and placement of tarps on openings in the roof and plywood on the blown-out windows and doors.

IV. Hurricane Threatens Your Area.

In the event a hurricane threatens your area, the association should notify all owners and residents that the weather bureau has issued a “hurricane watch” or “hurricane warning” and direct owners to begin preparations to evacuate. In a condominium context, the Emergency Operations Plan should identify the actions the owners must take prior to evacuating the premises, such as turn off water to the unit to prevent damage, empty the refrigerators of all perishables, removal of furniture, planters and vulnerable lighting fixtures from the patios or balconies, lock sliding glass doors and windows and secure the unit interiors.

The plan should also identify the actions the association must take to secure all interior and exterior common areas in the building, including lock all doors, check generator to ensure its proper operation, pump out water from pool, if applicable, turn off irrigation system and secure all outdoor items that could become a projectile.

In addition, the association should implement its plan to remove the debris to prevent accidents from occurring on the premises, as well mitigate the damages by placing tarps on openings of roofs and plywood on blown-out windows and doors. As soon as practical, the association should contact its insurance company to report the claim and contact appropriate vendors to schedule repairs. Lastly, it is important for the association to regularly update the owners on the condition of the premises and status of the recovery.

In summary, a well prepared Emergency Operations Plan is a valuable guide to owners, Board of Directors and your association management and maintenance staff. The plan will save you valuable time in making decisions and preparations for an approaching disaster and in the repair process afterward. Please contact your association attorney if you need assistance in preparing a plan for your community.

EMERGENCY POWERS FOR CONDOMINIUM BOARDS –

DIRECTORS HAVE THE ABILITY TO ADDRESS EMERGENCY SITUATIONS.



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As a result of Florida's hurricane experiences in 2004 and 2005, the Florida Advisory Council on Condominiums recommended that the Legislature consider granting extraordinary powers to boards of directors in the aftermath of hurricanes. Forecasters predict that 2010 will bring a record number of storms. Now the Condominium Act permits the board of directors, unless prohibited by the condominium documents, to take the following actions in response to damage caused by an event for which a state of emergency has been declared by the Governor:

- **Meeting Notices:** The law permits the conduct of board and membership meetings without following the customary notice requirements of the Condominium Act. Notice may be given "as is practicable." Public service announcements and radio broadcasts are mentioned among the types of notices that may be used.
- **Cancelling Meetings:** The association can cancel and reschedule any association meeting that had previously been scheduled, and which may not be practicable to hold due to the emergency.
- **Special Assistant Officers:** The association may name assistant officers who are not directors, who shall have the same authority as the Association's executive officers, as may be helpful during a state of emergency to accommodate the incapacity or unavailability of any association officer.
- **Office Location:** The association may relocate its principal office or designate an alternative principal office.
- **Government Cleanup:** The association is authorized to enter into agreements with local counties and municipalities to assist counties and municipalities with debris removal.
- **Disaster Plans:** The association is empowered to implement a disaster plan before or immediately following the event for which a state emergency is declared. The Association's emergency plan may

include shutting down or shutting off elevators, electricity, water, sewer, security systems, or air conditioners.

- **Declare Condominium Property Off-Limits:** Based upon the advice of emergency management officials or a licensed professional (such as an engineer), the Board may determine any portion of the condominium property unavailable for entry or occupancy by unit owners and other persons.
- **Evacuation:** The law permits the association to require the evacuation of the condominium property in the event of a mandatory evacuation order in the locale in which the condominium is located. The law goes on to provide that if any unit owner or other occupant fails or refuses to evacuate the condominium property where the board has so ordered, the association is immune from liability arising from injuries to such persons.

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- **Re-Opening Condominium Property:** The board of directors, based upon advice of emergency management officials or a licensed professional, may determine when the condominium can be safely inhabited or occupied after a disaster.
- **Mitigation of Damage:** In one of the more significant clauses, the association is empowered to mitigate further damage, including contracting for the removal of debris, and the prevention or mitigation of the spread of mold. The association is empowered to remove and dispose of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the condominium property, even if the unit owner is obligated by the declaration or law to insure or replace those items. The association is also empowered to remove personal property from a unit.
- **Dry-Out:** This law empowers the association to contract, on behalf of any unit owner or unit owners, for services necessary to prevent further damage. Such services include the drying of units, the boarding of broken windows or doors, and the replacement of damaged air conditioning systems so as to provide climate control. Unit owners are responsible to reimburse the association.
- **Special Assessments:** The board is empowered to levy special assessments in response to catastrophes, without regard to any provision in the condominium documents which may require unit owner approval of special assessments.
- **Borrow Money:** The association is empowered, without unit owner approval, to borrow money and pledge association assets as collateral.

Special powers authorized under the law are limited to that time reasonably necessary to protect the health, safety, and welfare of the association and condominium occupants. Further, these powers are limited to those cases where the board's action is reasonably necessary to mitigate further damage and make emergency repairs. Remember – please don't sign any contracts based upon a vague reference to insurance proceeds and make sure both the price and work is specified in detail. Unfortunately many associations are still fighting with contractors that performed post-casualty repairs– some of which would have been avoided if appropriate contracts were in place.

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DESIGN PROFESSIONAL LIABILITY AND PROPERTY INSURANCE BILLS VETOED BY GOVERNOR CRIST

CONCERN FOR FLORIDA'S CONSUMERS IMPORTANT IN DECISION TO VETO SB 2044 (PROPERTY INSURANCE) AND SB 1964 (DESIGN PROFESSIONAL LIABILITY).

Governor Crist vetoed SB 2044, despite support from the Florida Insurance Commissioner and other industry representatives. The Governor expressed his concern that increases in insurance premiums and changes to mitigation discounts would be especially hard on Florida's consumers during "these very difficult economic times".

Consumer protection was likewise a major factor with respect to the veto of SB 1964 which was the bill limiting liability for design professionals. Governor Crist agreed with critics of the bill who argued design professionals are not entitled to avoid liability. After all, an error in design judgment can be devastating to a unit or home owner. An elevator that fails to operate at the appropriate speeds and breaks down results in loss of use,

which is an economic loss. Imagine how this could impact elderly unit owners. A parking garage that is not properly shored up based on engineering calculations will result in economic loss if it fails. Shifting the burden of economic loss to consumers without sufficient alternative remedies was not acceptable to the Governor.

On the other hand, HB 965, relating to real property assessments, received the Governor's approval. Owners of properties affected by Chinese drywall may be entitled to a downward adjustment of the assessed value of the property for tax purposes. Contact your local Property Appraiser to request re-valuation - you may be entitled to a significant discount.

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