

BEFORE THE STORM *Condominiums*

Cooperation is a must

Condo residents must take special precautions to prepare for a storm.

A well-executed disaster plan will minimize damage and promote a speedy recovery.

A team approach

Coastal areas will be evacuated. If you are in an inland high-rise not under an evacuation order, you might be safer staying put. Choose a building captain and assemble a plan now.

Designate a disaster coordinator or committee. Pre-designate the person or committee granted the authority to act on behalf of the board and the association to implement a well-conceived and orchestrated disaster plan in the aftermath of a storm.

Develop and rehearse an evacuation. Have a buddy system. Power can fail before the storm, so elevators won't work. Memorize exits and how many steps you are from your apartment, in case you have to find them in the dark.

As a storm approaches

If you're going to ride out the storm in your unit, choose an interior room without windows or an interior hallway. Be prepared to move to a lower floor. The higher up you are, the stronger the winds.

Remove loose items from porch, patio or deck. Close and lock windows, sliding glass doors and shutters. Wedge patio doors. Put towels along door tracks and window sills.

Tips for renters

Know what rights you have to decline paying rent and get repairs.

Read your lease. Talk to your landlord. Document and take pictures.

Tenants must notify their landlords in writing — by certified mail at least seven days before rent is due — so landlords have a chance to fix problems.

Landlords aren't legally obligated to find tenants temporary housing.

Buy renter's insurance.

Unit owners need to be kept informed on the status and the nature of the damage and the timeline and estimated cost of restoration of the condominium.

Tell residents when they will be permitted to enter the property, if necessary, to remove personal property, and/or move back in after it is determined safe to do so, or the property has been restored.

Account for residents and attend to any injured residents or guests.



BOB SHANLEY/2005 staff file photo

CLEANING UP: Fran DeMarco salvages items as workers clear her mother's Kings Point condo west of Delray Beach. Roof damage caused the ceiling to collapse after Hurricane Wilma.

Association responsibilities

Associations must allow owners to install shutters, but may restrict the style and appearance. Associations can order you to install shutters or laminated glass. Make sure there's a plan.

If owners want to try to change rules, do it now. You can't call a meeting when the storm is approaching.

Agree in advance on rules for storing cars and recreational equipment and securing common areas, including

the pool and pool deck.

Protecting the premises. Install storm shutters, central alarm and fire protection systems, emergency generators, a defibrillator.

A disaster plan should include emergency medical supplies, food, water, waterproof matches, a defibrillator and an emergency generator. Tools that might be required to excavate someone from a collapsed structure might be considered.

Steps after a storm

Secure premises from acts of vandalism and looting.

Place tarps on roof, boards on windows, etc., and remove wet carpet from units and damaged drywall.

Photograph premises after the storm.

Remove storm debris.

Initiate the process for filing insurance claims and reconstruction. Find professionals to assess the nature and extent of damage and to design plans for reconstruction and the bidding process.

Building structure

If you're concerned about the structural integrity of the building, have a professional engineer check it out. It's impossible to tell whether it can withstand a hurricane without an on-site evaluation.

Cracks or rusting on balconies may be signs there are weak parts of the building.

Buildings constructed before 1997 weren't required to include window protection. Talk to the residents' association about protecting the openings.

Know the whereabouts of shut-off valves and structural components.

Your condo's information

The association should compile a list of contact information for unit owners, vendors and professionals (including CPAs, attorneys, management personnel) and store it off the premises. Keep cellphone numbers, e-mail addresses, emergency contacts and Social Security numbers for employees and residents.

Archive all insurance policies, records of units/unit owners, personnel records and financial records (including bank account numbers, insurance policies and authorized signatures).

Photographs of the premises. Take pictures of the inside and outside of buildings and premises including all furniture, artwork, books, computers and equipment.

An 'as-built' drawing will greatly facilitate the reconstruction effort. Keep building plans, and contact information for the architects, engineers, contractors and subcontractors who designed and built the structures.

BEFORE THE STORM *Condo Q&A*

Frequently asked hurricane questions

Question: Between the unit owners and the association, whose insurance carrier is responsible for covering the cost of reconstruction after a hurricane?

Answer: A condominium is divided into two legal subsets, "units" and "common elements." Unit owners are responsible for maintaining the units. However, in the case of a casualty, they are not necessarily responsible for the cost of repairs.



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State law mandates that the association is responsible for maintaining adequate insurance for full "insurable value" or "replacement costs" to cover all of the improvements that were part of the original

structure, other than certain exceptions contained within the units.

The exceptions, which are the responsibility of the unit owners, include all upgrades, and floor, wall and ceiling coverings, electrical fixtures, appliances, air conditioners or heating equipment, water heaters, water filters, built-in cabinets and countertops, and window treatments (curtains, drapes, blinds, hardware and similar window treatment components) within the unit, and the air-conditioning compressor that services only the unit, whether or not located within the unit boundary.

Repairing storm damage

Q. What steps should a condo board or association take to fix storm damage?

A. Recovery is often affected by the reality that upward of 50 percent of the unit owners do not carry mandated coverage, and associations often carry inadequate coverage.

It is critical that in the aftermath of the storms that the unit owners and the boards not compound their problems by acting hastily, and in an imprudent manner.

The first steps are drying in (placing tarps over openings in the roof and boards over blown-out doors and windows), drying out (removing wet carpet and wall boards in order to retard the growth of mold), cleaning up and securing the property.

Prior to starting the rebuilding process, fol-

More information

For a detailed guide on community association hurricane planning and recovery, go to Gary Poliakoff's Web site: www.hurricane-recovery.com.

For past column questions on hurricanes and condos, see Storm2006.com/Poliakoff.

low the five phases of reconstruction:

- Project planning
- Construction bidding
- Contract negotiations
- Construction/rehabilitation
- Project completion.

Make sure each step of the process is guided by Florida-licensed professionals.

Special assessments

Q. Is the board obligated to file a lien against the non-paying homeowners and force them to pay a special assessment to cover losses from hurricane damage not covered by insurance?

A. Assessments are the lifeblood of common interest ownership housing communities. Assessments provide the necessary revenues to ensure that the common elements, and/or common areas, and the association property, are maintained at a high level

A board of directors is obligated to actively pursue deadbeats who fail to pay their share of the common expenses, and/or necessary special assessments. If the board lacks the willingness to take such action, they should be removed and replaced by individuals willing to fulfill the offices to which they have been elected.

Installing shutters

Q. Our board of directors plan to change our documents to require installation of shutters by all owners. Can the board of administration force owners, who purchased their units under the old provisions, to install shutters now?

A. The Condominium Act authorizes the association, upon approval of a majority of the unit owners, to make the installation of hurricane shutters mandatory for everyone. The act further provides that unit owners who have already installed code compliant shutters are to

receive a credit against their share of the assessments for money already spent in the installation of their shutters.

Replaining drywall

Q. Who is responsible for the cost of repair or replacement of the drywall? While the association did remove most carpeting and drywall from the units, it charged the unit owners for doing this. Is that legal?

A. The association's insurance must cover the cost of repair or replacement of the drywall. The unit owner's policy covers the carpet. The removal and replacement of the drywall should be covered by insurance proceeds received from the association's carrier, and the carpet from the unit owner's policy. This, of course, assumes there are adequate proceeds from the insurance. Any shortfall is generally the responsibility of the unit owner suffering the loss.

What about 'snowbirds'?

Q. The board of a homeowners association adopted rules and regulations governing the installation of hurricane shutters. The rules say the shutters cannot be closed until the National Hurricane Center issues a 'hurricane watch' for our area. We feel that this rule discriminates against 'snowbirds,' and the enforcement of this rule under the covenants is totally out of line.

A. On this point I must respectfully disagree with you. While I can appreciate the fact that such a rule will necessitate having the snowbirds make provisions with someone locally to close their shutters when a storm approaches, that is a small cost compared with the negative aesthetic impact that a boarded-up community has on full-time residents, their guests and other visitors to the community.

Each year, I receive dozens of letters from residents of communities, where the board allows snowbirds to close their shutters when they depart, complaining about the depressing feeling they have driving around a boarded-up community.

Gary Poliakoff's column appears weekly in the Accent section of The Palm Beach Post. He is a founding principal of Becker & Poliakoff, P.A., in Fort Lauderdale and past chairman of the Florida Condominium Advisory Board. Write to him c/o The Palm Beach Post, P.O. Box 24700, West Palm Beach, FL 33416-4700.