



BECKER  
**HURRICANE**  
RECOVERY TEAM



# HURRICANE

PREPAREDNESS AND RECOVERY GUIDE

FOR COMMUNITY ASSOCIATIONS





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# HURRICANE

## PREPAREDNESS AND RECOVERY GUIDE

FOR COMMUNITY ASSOCIATIONS



## Resources

Useful Contacts Before, During & After a Storm or Disaster

### Federal Agencies

FEMA	<a href="https://www.fema.gov">FEMA.gov</a>   1-800-621-FEMA (3362)
US Army Corps of Engineers	<a href="https://www.usace.army.mil">usace.army.mil</a>   1-202-761-0011
U.S. Department of Housing and Urban Development (HUD)	<a href="https://www.hud.gov">hud.gov</a>   1-800-245-2691
U.S. Department of Health & Human Services	<a href="https://www.phe.gov">phe.gov</a>
Center for Disease Control and Prevention (CDC)	<a href="https://www.cdc.gov">cdc.gov</a>   1-800-CDC-INFO (1-800-232-4636)
Small Business Administration (SBA)	<a href="https://www.sba.gov">sba.gov</a>   1-800-659-2955
Disaster Assistance Improvement Program <small>To find the Disaster Recovery Center nearest to your location, text DRC + ZIP Code to 4FEMA</small>	<a href="https://www.disasterassistance.gov">disasterassistance.gov</a>
Ready	<a href="https://www.ready.gov">ready.gov</a>   1-800-621-FEMA (3362)
Citizen Corps Partner Program	<a href="https://www.citizencorps.gov">citizencorps.gov</a>
NOAA/National Weather Service <small>In case of an emergency, call 311 (Dade) and 211 (Broward)</small>	<a href="https://www.nhc.noaa.gov">nhc.noaa.gov</a>   1-305-229-4470
Centers for Medicare & Medical Services (CMS)	<a href="https://www.cms.gov">cms.gov</a>   1-800-MEDICARE (633-4227)

### State Agencies

Florida Division of Emergency Management	<a href="https://www.floridadisaster.org">floridadisaster.org</a>   1-850-815-4000
Florida Department of Elder Affairs	<a href="https://www.elderaffairs.state.fl.us">elderaffairs.state.fl.us</a>   800-96 ELDER (35337)

### Not for Profit

American Red Cross	<a href="https://www.redcross.org">redcross.org</a>   1-800-RED CROSS (733-2767)
The Salvation Army	<a href="https://www.salvationarmyusa.org">salvationarmyusa.org</a>   1-800-SA-TRUCK (728-7825)
The National Emergency Response Team (NERT)	<a href="https://www.nert-usa.org">nert-usa.org</a>   1-207-948-3499
The National Organization for Victim Assistance	<a href="https://www.trynova.org">trynova.org</a>   1-800-TRY-NOVA (879-6682)

### Volunteer Organizations

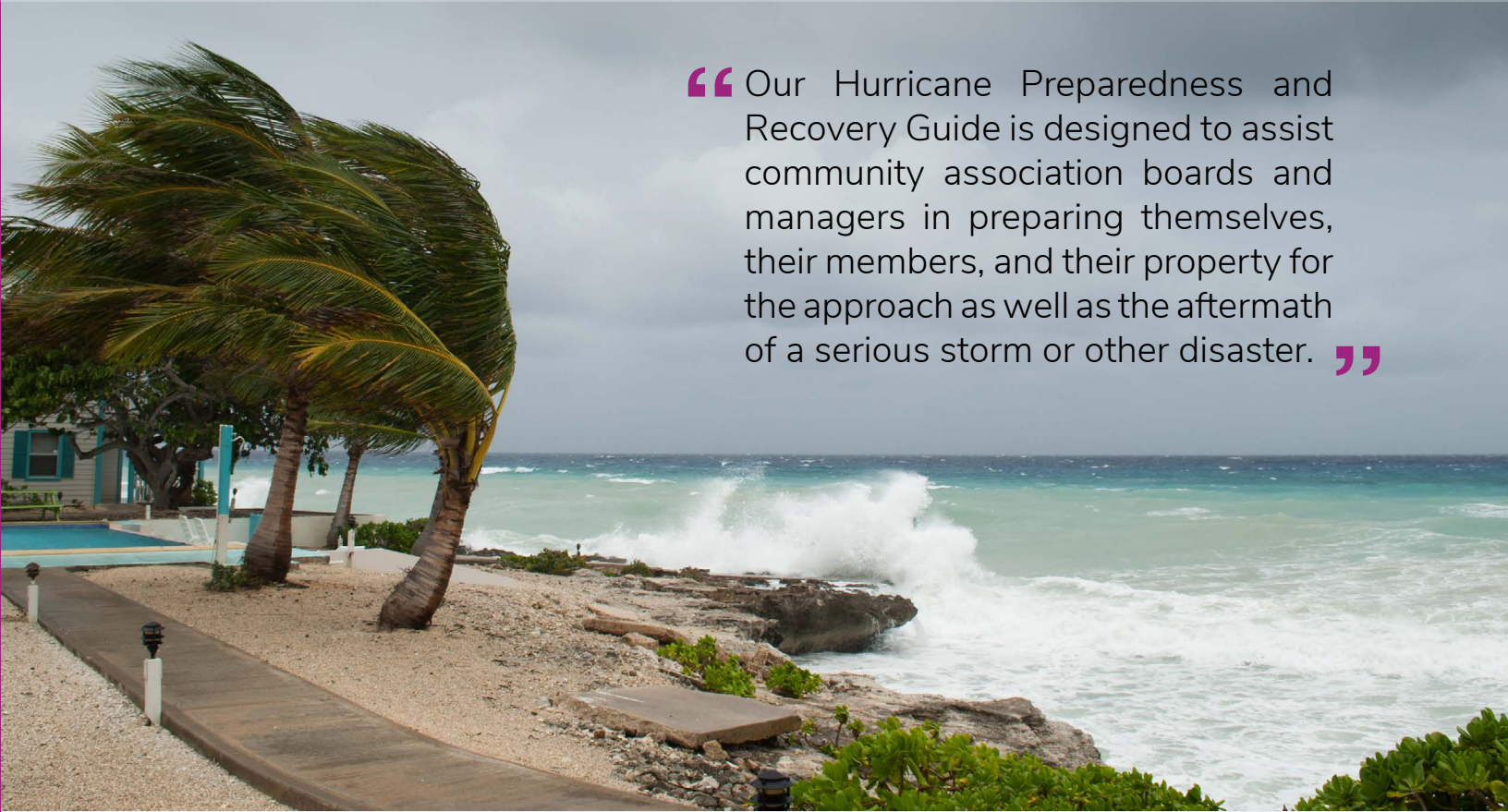
National Voluntary Organizations Active in Disaster (Non-Profit)	<a href="https://www.nvoad.org">nvoad.org</a>   1-703-778-5088
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### Communication

The American Radio Relay League, Inc. (ARRL)	<a href="https://www.arrl.org">arrl.org</a>   1-860-594-0200
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# Hurricane Preparedness & Recovery for Community Associations



“ Our Hurricane Preparedness and Recovery Guide is designed to assist community association boards and managers in preparing themselves, their members, and their property for the approach as well as the aftermath of a serious storm or other disaster. ”

The state of Florida is no stranger to hurricanes and other natural disasters. Living in paradise doesn't come without some risks associated with Mother Nature. The question is never just if our communities, homes and families will be impacted by a windstorm event, but when they will, and how we will prepare for and recover from that event.

For the significant number of Floridians living in shared ownership communities such as condominiums, cooperatives, HOAs and mobile home parks, the critical issues involved with preparing and recovering from a storm event or disaster are complicated by the typical constraints of governing and being governed.

Hurricane Andrew, which struck South Miami-Dade on August 24, 1992 with damage estimated at \$25 billion, provided graphic evidence of the devastating impact of a major storm. Hurricane Opal in 1995 was a wetter storm with 20-foot storm surges that hit the Florida Panhandle as a Category 4 storm. From the year 2000 to present, there have been several significant hurricanes that affected the state of Florida, leaving destruction in their paths including Charley, Frances, Ivan, Jeanne, Dennis, Katrina, Rita, Wilma, and Irma.

Our Hurricane Preparedness and Recovery Guide is designed to assist community association boards and managers to prepare themselves, their members, and their property for the approach as well as the aftermath of a serious storm or other disaster. Our attorneys, many of whom have been representing community associations in Florida for over 20 years and are board certified by the Florida Bar, have assisted in all phases of planning and preparing, as well as recovering and rebuilding.





# The Plan

## IDENTIFYING THE POTENTIAL CONSEQUENCES OF A DISASTER

**T**he first step toward developing and implementing a disaster plan is identifying the potential consequences of a disaster. The second step is to develop and implement a plan to mitigate the impact of a disaster to the fullest extent possible.

### Evacuation

Emergency evacuation routes and special instructions regarding use of elevators and stairwells should be clearly posted. Don't forget to rehearse evacuation procedures on a periodic basis.

### Destruction of Real Property

Damage or destruction of real property is often the primary claim and causes the greatest hardship. The main areas of concern include:

- Buildings and other structures
- Landscaping
- Roads and Pathways

### Damage to Personal Property

The items most at risk during a disaster are furniture, fixtures, and personal property. The items of most concern include:

- Electronic equipment, data and other forms of technology
- Indoor and outdoor furniture, art, lighting, pool equipment, pool furniture and assorted fixtures
- Documents and important papers such as governing documents, Association surveys, plans, insurance policies.
- Rental and owner records and personnel files
- Accounting records
- Vehicles and equipment

### Injury or Loss of Life

Carbon monoxide poisoning, heart

attacks and drowning are the top three causes of death as a result of a hurricane. People over 75 are particularly at risk. Identify "high risk" individuals with disabilities or medical needs requiring special attention when preparing your community's disaster plan.

### Relocation

Your disaster plan should anticipate not only the possibility of a total casualty loss, but also the need to relocate, temporarily or permanently, depending on the level of impact. While many communities are able to clean up storm debris promptly, many others will remain in turmoil for quite some time after being impacted by a disaster. After Hurricane Opal and the BP Oil spill, some owners were unable to rent out their units which resulted in a loss of significant income to them and, in some cases, ultimately resulted in the loss of the property to foreclosure.

### Impact on Employees

The board should consider the emotional





impact a storm's approach has on the association employees, particularly an onsite manager. Association employees will not only be responsible for preparing the community for a storm's approach, but they are also concerned about preparing their own homes and families for the potential disaster.

**Associations are well advised to task their attorneys with creating a reasonable approach to these pre- and post-storm employee policies.**

#### **Economic Impact**

The economic impact of a disaster can be extensive. Unit owners displaced from work may be unable to meet their financial obligations to the association. Uninsured, underinsured or non-covered losses under both the association's policy as well as the owner's policy may require the board to pass special assessments. The higher cost of goods and services resulting from shortages further

compounds the problem in the short-term.

**In sum, the impacts of a disaster will vary from event to event. It is advisable to prepare for all possibilities.**

## **PLANNING FOR A DISASTER**

#### **Designation of a Disaster Coordinator or Disaster Committee**

The ability of a community association to minimize its damages and speed up its recovery depends in large part upon its preparation.

**Every disaster plan should include having a person or committee in place prior to the disaster with full authority to implement the Disaster Plan.**

#### **Designation of an Information Facilitator**

In times of crisis, communication is key. A major hurdle to recovery is rumor and misinformation; both can hamper successful recovery efforts. An information facilitator can help to stop the rumor mill in its tracks. Today's computer and smart phone technology provide the ideal vehicles to communicate with residents. Every association should have its own website, which can be a great resource for disseminating information and staying in touch with the unit owners. A text messaging system for community members is also valuable for disseminating information quickly.

**Home and cell phone numbers must be collected before a disaster and stored in a safe, easily accessible location.**

A properly prepared plan will include plans for temporary relocation of residents in situations where the community must be evacuated. This can include Red Cross or other emergency shelters, hotels, schools, or staying with family members in other cities.

Now that the Florida Legislature has granted emergency powers to boards, a board may require the evacuation of the property in the event that the local or state authority has declared a mandatory evacuation order. Owners who refuse to abide by that evacuation order do so at their own risk and without the possibility of pursuing the association for loss of life or injury to themselves or their property. Boards can also declare the property unfit for entry or occupancy based upon the advice of experts retained by the board or on the advice of emergency management officials.

#### **Photographic Imaging**

Your plan should include annual preparation of a date stamped video and photo documentation of the community such as all of the common areas, each unit owner's home, the association's office and property.

Digital technology and photographic records can be conveniently and safely stored off premises and easily retrieved, if needed.

(cont.)



## What should be photographed?

Specifically include:

1. Inside and outside of buildings and premises
2. equipment, computers and books
3. accounting records
4. insurance policies, bank accounts, personnel records, records of units/unit owners, as-built plans and specifications

**You should prepare an inventory including the date, place of purchase, and purchase price of each item of personal property.**

### Community Emergency Response Team (CERT)

Many shared ownership communities have already taken the positive step of undergoing CERT training under the auspices of FEMA. A Community Emergency Response Team (CERT) can fill the large gap that often results when a disaster overwhelms local emergency services. CERT teams trained in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. CERT members are encouraged to support emergency response agencies by taking a more active role in emergency preparedness projects in their communities.

Your board's quick response in accordance with your disaster plan will minimize damage and promote a speedy recovery.

# ACTIVATING THE DISASTER PLAN

Following a disaster, the disaster coordinator and information facilitator move into action. The information facilitator opens lines of communications with the owners. The disaster coordinator contacts emergency services and notifies the contractors and employees, advising of their duties and needs. In some cases, it may be necessary to suspend or cancel on-going contracts such as lawn and pool maintenance. Hopefully, a provision was made in the contract for such right of suspension without monetary penalty in disaster situations when the contracted services are no longer needed. There certainly is no reason to pay to hedge the bushes when they have all blown away!

Knowing the whereabouts of all residents greatly enhances emergency response time following a disaster. In a situation such as a hurricane, in which there is advance warning, a committee should ascertain which residents are remaining in the community and which are evacuating. A temporary destination address and phone number should be obtained from those who are evacuating. Once disaster strikes, the board's first action should be to direct emergency medical assistance to any residents in

need. Naturally, if the community is under a mandatory evacuation order, that order should be obeyed by all.

Be sure to attend to the injured and secure the community from acts of vandalism and looting. Be sure to remove all storm debris.

"Drying In"/"Shoring Up" the building structures in order to mitigate against further damage.

"Drying Out" is the removal, where necessary, of wet carpet, wall board, cabinets, etc. when necessary to prevent the growth of mold.

**The insurance carrier for the community must be notified immediately at the conclusion of the storm.**

If the insurance carrier is not able to promptly inspect and document the damage from the storm, it may elect to deny the claim.





# HURRICANE

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# Quick Reference List

## INFORMATION ON EACH RESIDENT

- ✓ Name
- ✓ Unit number
- ✓ Other residences
- ✓ Next of kin name(s)/contact info
- ✓ Identifying features
- ✓ Social security number
- ✓ Medications
- ✓ Cell phone number
- ✓ E-mail address

## INFORMATION ON EACH EMPLOYEE

- ✓ Address
- ✓ Home and cell phone numbers
- ✓ E-mail address
- ✓ Social security number
- ✓ Next of kin name(s)/contact info
- ✓ Medications

## BANK INFORMATION

- ✓ Account numbers, authorized signatures, certificates of deposits, and/or other investment documents

## INSURANCE POLICIES

- ✓ Nature and extent of coverage, carrier, and policy number
- ✓ Name(s) of agents with pertinent information

## VENDOR LIST

- ✓ Pool maintenance, security, landscape maintenance, roofer, etc.
- ✓ Professionals - CPA, Insurance Agent, Attorney and Manager

## INVENTORY OF FURNITURE AND EQUIPMENT

- ✓ Detailed descriptions
- ✓ Photographs
- ✓ Receipts
- ✓ Serial numbers

## EMERGENCY SUPPLIES

- ✓ Emergency medical supplies, food, water, waterproof matches, a defibrillator, flashlights, battery-operated radio, an emergency generator and an ample supply of fuel to power the generator for an extended period of time.
- ✓ Tools, such as shovels, crowbars and a power saw, might be considered.

## BUILDING PLANS

- ✓ A set of as-built plans and specifications.
- ✓ Location of shut-off valves and structural components
- ✓ Names, addresses, telephone numbers and e-mail addresses of the architects, engineers, contractors and sub-contractors who designed and built the structures.

## BUDDY SYSTEM

- ✓ Let a neighbor or the property manager know if you will be away from your unit for an extended period of time
- ✓ Make sure residents who might need special assistance are identified

## DATA INVENTORY

- ✓ Maintain a record of information maintained in the community's information systems.
- ✓ Regularly back up all data to a safe and accessible location.

# WHAT WILL THE DAMAGE COST?

A well-designed disaster plan will include safeguards against future risk which are designed to minimize economic and property loss, as well as the loss of human life.

It is dangerous to ever become complacent about hurricanes when you live or own property in Florida. Knowing that disasters can occur and being prepared to deal with them will certainly minimize damages and promote a speedy recovery.

Disaster planning and recovery are two areas where communities should not attempt to go it alone. There are experts in all areas related to disaster planning and recovery who have the knowledge and experience needed to help you make the right decisions for your community. Unfortunately, there are countless stories of associations that misunderstood the perils of a disaster and its aftermath and paid the consequences for years to come.

Here are some helpful tips from other community association industry

professionals to assist in developing your association's customized disaster plan.

## Adequate Insurance

Adequate property insurance must be based on the replacement cost of the property as determined by an independent insurance appraisal. Statutory mandates, along with provisions of the governing documents, determine the extent of the association's insurance coverage responsibilities as well as those of the individual unit owners.

In addition to basic coverage, some major sources of economic loss, such as landscaping, fencing, screening, exterior building paint, building foundations, walkways, pools, tennis courts, and satellite dishes, are not normally covered by insurance. Some areas

of potential loss can be covered for additional premiums including coverage for displacement from the property as previously discussed.

**One of the most important types of coverage exclusions every board needs to discuss with its insurance agent is “ordinance or law” exclusion.**

Ordinance or law exclusion states that the insurer will not pay for losses or damages caused directly or indirectly by the enforcement of any ordinance or law (1) regulating the construction, use or repair of the property; or (2) requiring the tearing down of any property, including the cost of removing debris. This exclusion is designed to address building codes that may require more



# ARE YOU COVERED?

expensive reconstruction material, installation, design or methods than those which were originally used in the existing building. It may also apply to environmental laws that require elaborate and expensive decontamination processes, or upgraded construction practices in hurricane and flood zones.

For example, following Hurricane Andrew, a Miami-Dade County ordinance required that a number of buildings considered to be damaged by 50% or more could be restored only if they were elevated to a specific height above sea level. Under such circumstances, the cost of elevation plus repair of the damage generally would exceed the limit of building insurance, unless there was coverage provided under the rider to the base policy.

Many communities were left waterlogged by the hurricanes of 2004 and 2005 only to discover that their basic policies did not cover water damage from flooding. Under a typical master flood policy, the entire building is covered under

one policy, including both the common elements and the individual units.

In the Florida Panhandle after events such as Hurricane Opal and the BP Oil spill, the greatest monetary loss was not because of damaged property, but from lost rental income. Business interruption insurance is essential for owners or managers who rely upon vacation rentals for their livelihood.

**Managers need to ensure that their business interruption coverage is not just for the premises where they maintain their offices, but also for the communities where they manage rental units.**

Many homeowners failed to maintain coverage for their personal effects and improvements within their homes.

**It is recommended that homeowners residing in shared**

**ownership communities maintain homeowner coverage with at least these 4 endorsements:**

- 1. Loss Assessment Coverage**  
Protects against special assessments levied by boards to cover losses from covered peril, when the primary coverage is inadequate.
- 2. Water Seepage Coverage**  
Covers water damage from wind-driven rain or water entering from a source other than an opening in the building (e.g., through stucco or around window frames).
- 3. Additions, Alterations, Improvements and Betterments Coverage**  
Covers upgrades, as well as real property added by the unit owner. This endorsement is often available with all risk coverage, without a water seepage exclusion.

#### 4. Insurance + Reserves

Even assuming that one maintains adequate coverage, there is a risk that not every insurer will survive extraordinary claims. Hurricane Wilma's widespread impact brought many insurance companies to their knees with some going out of business and the Florida Insurance Guaranty Association (FIGA) dealing with the messy aftermath. Careful consideration must be given to the financial strength and rating of the insurer as well as their consumer practices over the years. Keep in mind that the lowest quote is not always the most secure coverage.

Communities who maintain reserves for contingencies, deductibles and other uninsured losses fare the best post-disaster.

#### Pre-Negotiated Service Contracts

Boards who enter into pre-negotiated contracts specifically designed to deal with the aftermath of a disaster often have the peace of mind that they have a set price and a designated contractor at their disposal.

These kinds of service contracts include:

- Emergency service contracts which provide "drying out" or "shoring up" the premises.
- Debris removal
- Security services
- Extraordinary management services.

#### "Insurance Trustee" Provisions

Generally found within the insurance section of the documents, these provisions require that the proceeds of insurance settlements be paid to a third party for disbursement at the instruction of the association's engineer. When such a provision exists, insurers will not pay proceeds to the association until a trustee is designated. This can critically delay the receipt of funds necessary for disaster response as well as add an unnecessary cost to the association to pay for the Insurance Trustee. It is preferable for

the board to act as a "trustee" with disbursements being authorized only when approved in advance by an independent engineer or construction manager employed by the association.

#### Emergency Powers

State laws and document restrictions designed to ensure owner access to information and input in the decision-making process previously impeded disaster recovery for condominium associations. Fortunately, the Condominium Act and the statutes for homeowner associations and cooperatives have been changed to provide emergency powers. Check with your counsel to better understand these statutes.

**Even with the acquisition of emergency powers, your association's governing documents should be reviewed and amended to remove any unnecessary barriers to recovery.**

#### Reconstruction vs. Termination

The unit owners at one South Miami-Dade County condominium destroyed by Hurricane Andrew were shocked to learn of a provision in their declaration of condominium which provided for automatic termination when damage exceeded fifty (50%) percent or more of the condominium, unless a majority of the total voting interests voted within sixty days to rebuild. Since the unit owners had scattered all across the country, the association had to seek court relief to prevent the activation of the provision. It is preferable for the documents to require a vote of the owners to terminate the condominium, not to rebuild it. That said, The Condominium Act was amended subsequent to the hurricanes of 2004 and 2005 to provide a method for terminating condominiums in the event of economic waste, disrepair of the property and when continued operation of the condominium is made impossible by law or regulation.

#### Survey the Property and Identify Areas Needing Priority Attention

Depending upon the nature and extent of the damage, it may be necessary to evacuate the premises or shore-up the structure. In some cases, it may be necessary to hire security personnel to protect against vandalism, theft and other criminal activities. In the case of widespread disaster, unit owners will not be able to depend upon local law enforcement agencies whose attention might be diverted to higher priority matters. Arrangements for security, debris cleanup and emergency repairs should be made as part of a disaster plan, not after the fact, when it will be difficult, if not impossible, to find help.

#### Beware the Quick Fix

Within hours of any disaster, the affected community will be besieged by companies and individuals looking for work and/or offering disaster recovery services. Some of these folks may have come to the disaster area from other states and many may be unlicensed and uninsured. Interspersed among the new arrivals will be the con men and profiteers who prey upon the misfortune of others. While still reeling from the shock of the disaster, it is often very tempting to sign the first contract presented to you. Resist that urge as experience has shown that these quick solutions are formulas for disasters of greater magnitude than those already suffered.

The old adage that "haste makes waste" truly applies in these situations. The best advice is to stick to your disaster plan which, hopefully, will include a plan that anticipates the five (5) phases of reconstruction:

1. Project planning/scheduling
2. Construction bidding
3. Contract negotiations
4. Construction/rehabilitation
5. Project completion/close out

There are intervening steps you should take which may require contracts of short duration and for specific purposes. For instance, your immediate need in the aftermath of a windstorm is usually to cover your structures with a tarpaulin to protect further water intrusion and exposure to the elements. Interim contracts should be reviewed by your association attorney to ensure that proper precautions are taken. All reconstruction contracts need to be carefully reviewed and negotiated by your legal counsel to ensure that the association's interests are protected.

## Avoiding the Pitfalls of Disaster Recovery

Common pitfalls that plague associations following a hurricane strike include:

- Disputes frequently emerge between various insurance carriers (flood, windstorm, property) and the Association over the nature and extent of damage, cost of repair or replacement, and/or whether appropriate mitigation efforts were put in place. It is important for the association to timely file its proof of loss. Be aware that if the insurer can prove that the association failed to cooperate, then no payment is due under the policy, regardless of the size of the claim. In addition, if the association commits fraud in the application for insurance or in the presentation of the claim, such act(s) can result in the loss of all coverage, not just the portion upon which the fraudulent claim is based.
- Making necessary repairs, if required by the insurance contract, even if doing so requires the board to levy a special assessment or borrow money to pay for such repairs, prior to receipt of the insurance proceeds.
- Claims made by unit owners against their boards over the mismanagement of insurance claims and insurance proceeds. The association owes a fiduciary duty to the owners and their mortgagees to exercise reasonable care in the pursuit of their insurance claims and management of any insurance proceeds received. It is not

acceptable for a board to choose to not pursue a legitimate claim and, instead, opt to specially assess the owners for necessary repairs and replacements. A southwest Florida community learned this lesson the hard way when it was sued by its members for not properly pursuing a large insurance claim after Hurricane Wilma.

- Claims of contractors, sub-contractors, materialmen and suppliers, who were not paid by the general contractor, resulting in the Association's having to pay double because of its failure to comply with Florida's Construction Lien Law.
- Suits against contractors and subcontractors over poor quality repairs.

## RESTORATION OF THE PROPERTY

### Putting Your Professional Team in Place

Once conditions stabilize, the association's disaster recovery team will be in a position to meet with trained professionals to assess the damage and begin recovery including:

- Architect/Engineer - Responsible for assessing the damage, preparing plans and specifications in accordance with new building codes, assisting in selection of construction manager and defining other reconstruction requirements.
- Construction Manager - Oversees selection of general contractor, competitive bidding and administration; directs and coordinates pay requisitions, change orders and all other activities of the parties; and resolves disputes.
- General Contractor - Employs and supervises laborers, supplies materials and builds project in

accordance with architect's/engineer's plans and specifications, under the direction of the construction manager.

- Attorney - Reviews construction contracts to ensure adequate protection for job performance and warranties, and compliance with applicable lien laws.

### Funding Repairs

An association should have several sources of money available to fund repairs after a disaster.

- A review of your governing documents; particularly, the "repair after casualty" section of the insurance provision to determine the mechanics of the process.
- Estimates of Costs - Immediately after deciding to rebuild or repair damage to property for which the association is responsible, the association must obtain reliable and detailed estimates of the cost to rebuild or repair.
- Construction Fund - The construction fund shall be disbursed to pay costs in the manner required by the board of directors of the association upon approval by an architect qualified to practice in Florida and employed by the association to supervise the work.

When the foregoing provisions exist in your documents, contracting for reconstruction prior to obtaining a scope of work will be contrary to both the association's best interests, and the obligations set forth in the documents. In order to respond to an emergency, the association may need to obtain a short-term loan.

Without a restriction in the documents, not-for-profit community associations can borrow funds. However, they generally cannot pledge the condominium property as security. Most banks with which the association does business will approve a commercial line of credit secured by the association's accounts and/or assessment and lien rights. The association also may obtain a Small Business Administration



(SBA) loan that is available to victims of disaster, generally, at lower interest rates. Of course, reserve funds are also a possible source of funds which can be utilized immediately if a state of emergency has been declared or later if approved by a majority of the total voting interests. Many communities have decided to take a revolving line of credit well in advance of storm season so they have necessary funds at their disposal if needed year-round.

Immediately following a disaster, the association must secure the property to mitigate against further damage and arrange for clean up of debris. Most insurers will offer advances for this purpose. As long as the association doesn't sign any releases or settlements, there is nothing wrong with accepting such advances.

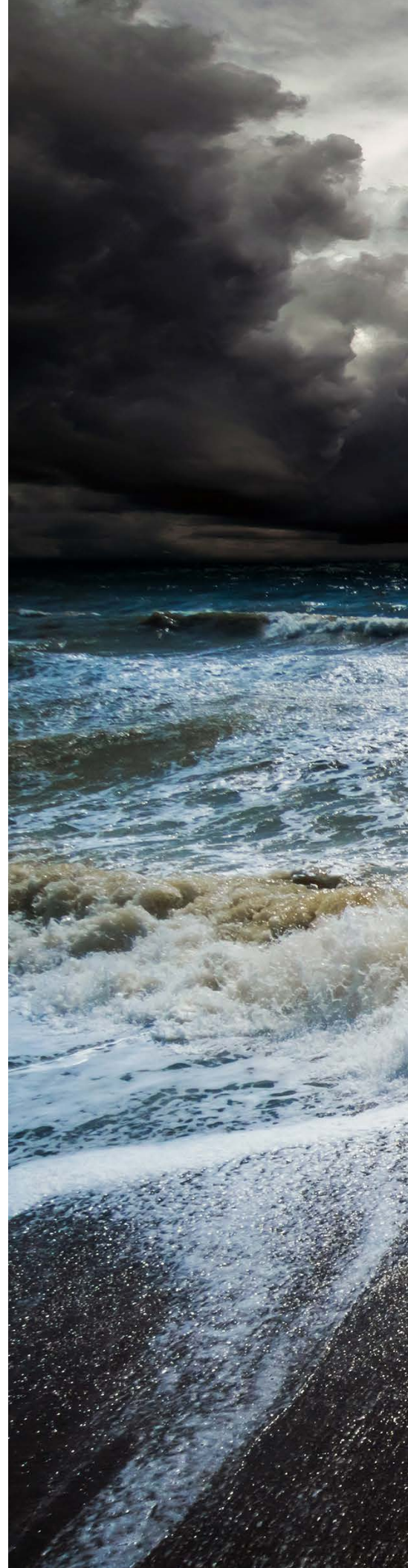
## SETTLING THE INSURANCE CLAIMS

**Insurance policies need to be examined to ensure that “proof of loss” forms are filed within the time limit required under the policies. As a general rule, flood policies require that proof of loss be filed within sixty days after the flood.**

The adjuster employed by your insurance company is not incentivized to get you the most money possible. His or her job is to ensure that the claim remains as small as possible. For this reason, many associations decide to hire their own Public Adjuster to shepherd their claim through the often convoluted process. In some instances, the assistance of an independent public adjuster may be beneficial when dealing with the nuances of an ambiguous insurance policy.

Most adjusters will work for a fee based upon a percentage of the insurance proceeds. As with other contracts, your association attorney can assist you in navigating the terms and conditions of

any contract you are considering with a public adjuster and any others involved in emergency services or repairs. It is important to remember that public adjusters provide a specific set of services to adjust and value a claim. They cannot perform any activities restricted to the practice of law, such as filing a lawsuit to collect monies owed to you if your insurance company denies your claim or decides to greatly undervalue it, evaluating whether a release should be signed in order to recover insurance proceeds, or complying with complex post-loss duties to recover under the policy.









# THE Becker DIFFERENCE

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CONDOMINIUM  
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# THE MOST BOARD CERTIFIED ATTORNEYS IN FLORIDA CONDOMINIUM AND PLANNED DEVELOPMENT LAW

Becker's Community Association practice has been an industry leader since we opened our doors in 1973. Today, we have the largest, dedicated team of Board Certified attorneys in Condominium and Planned Development Law in Florida. We have a keen understanding of the industry and the evolving challenges. We step into your shoes to show you the right way to step ahead.

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# Important Safety Tips for Generator Use

## Prevent Carbon Monoxide Poisoning

- Never use a generator indoors, including in homes, garages, basements, crawl spaces, and other enclosed or partially enclosed area, even with ventilation. Opening doors and windows or using fans will not prevent CO build-up in the home.
- Follow the instructions that come with your generator. Locate the unit outdoors and away from doors, windows, and vents that could allow CO to come indoors.
- Protect yourselves and your neighbors by positioning your generator in front of your garage with the muffler facing street side. Positioning the generator in back of the house is not recommended because of the increased potential of CO leakage into your house and those of others.
- Install battery-operated CO alarms or plug-in CO alarms with battery back-up in your home, according to the manufacturer's installation instructions. The CO alarms should be certified to the requirements of the latest standards for CO alarms {UL2034, IAS6-96, or CSA 6.19.01}.



## Eliminate Electrical Hazards

- Keep the generator dry and do not use in rain or wet conditions. To protect from moisture, operate it on a dry surface under an open, canopy-like structure. Dry your hands before touching the generator.
- Plug appliances directly into the generator. Or use a heavy-duty, outdoor-rated extension cord that is rated (in watts or amps) at least equal to the sum of the connected appliance loads. Check that the entire cord is free of cuts or tear and that the plug has all three prongs, especially a grounding pin.
- NEVER try to power the house wiring by plugging the generator into a wall outlet, a practice known as “backfeeding.” This extremely dangerous practice presents an electrocution risk to utility workers and neighbors served by the same utility transformer. It will, also, bypass some of the built-in household circuit protection devices.
- If you must connect the generator to the house wiring to power appliances, have a qualified electrician install the appropriate equipment in accordance with local electrical codes. Or check with your utility company to see if it can install an appropriate power transfer switch.
- For power outages, permanently installed stationary generators are better suited for providing backup power to the home. An overloaded portable generator can result in overheating or stressing the generator components, possibly leading to a generator failure.

## Prevent Fires

- Never store fuel for your generator inside your home or garage. Storage of gasoline should always be outside. The fumes from the gas tanks are flammable and could ignite. Do not store gasoline near a gas grill.
- Before refueling the generator, turn it off and let it cool down. Gasoline spilled on hot engine parts could ignite.



# BECKER'S COMMUNITY CLASSROOM

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**As leaders in Community Association Law, we not only helped write the law – we also teach it.**

Did you know Becker provides over 200 educational classes per year throughout the State of Florida on a variety of topics ranging from Board Member Certification to Compliance, and everything in between?

To view our entire class roster, visit  
[www.floridaccondohoalawblog.com/classes](http://www.floridaccondohoalawblog.com/classes)



## Pioneers in Community Association Law

Becker grew out of its pioneering role creating the law pertaining to the operation of common ownership housing, with many of the leading cases in the field bearing the firm's name. In keeping with our commitment to our clients and the industry, Becker attorneys provide over 200 educational classes per year for board members and managers, and also advocate on behalf of clients through the firm's lobbying arm, the Community Association Leadership Lobby (CALL).

Moreover, Becker has 25 Florida Bar Board Certified Attorneys in Condominium and Planned Development Law – the largest, dedicated team in the state of Florida. Board certification demands rigorous testing and is in recognition of having the highest standards of skill, specialty knowledge, proficiency, professionalism, and ethics in community association law.

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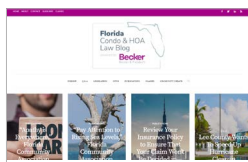
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## The Becker Website

[beckerlawyers.com](http://beckerlawyers.com)

Becker's website includes videos, publications, webinars, informative articles and checklists that can assist you and your association.



## Florida Condo & HOA Law Blog

[floridacondohoalawblog.com](http://floridacondohoalawblog.com)

The Florida Condo & HOA Law Blog provides readers with up to date analysis of news that affects associations in Florida. Our blog authors are Community Association Attorneys with many years of cumulative experience who will keep you apprised of important issues affecting your Community's operations. Log on and subscribe to receive updates as they happen.



## Community Association Law Blog

[communityassociationlawblog.com](http://communityassociationlawblog.com)

This comprehensive blog covers an array of topics related to condominiums, cooperatives, HOAs, timeshares and mobile home communities from the unique perspective of attorney Donna DiMaggio Berger, a shareholder in Becker's Community Association Law Group. Sign up today for lively dialogue about shared ownership living nationwide.



## Community Update Newsletter

[floridacondohoalawblog.com/community-update](http://floridacondohoalawblog.com/community-update)

This popular monthly newsletter features articles on developments in Community Association law, notes on significant case decisions, helpful tips on the business aspect of association operations, and details on changes in legislation and administrative decisions. Association board members in particular will find this an invaluable resource to help guide them.



## Becker's Community Classroom

[floridacondohoalawblog.com/classes](http://floridacondohoalawblog.com/classes)

We offer board certification courses, Legal Update seminars, and a variety of other courses on topics critical to your successful performance as an association board member or manager. Check out the event listing for a calendar of classes near you on important issues impacting your day-to-day operations.



## The Construction Law Authority

[constructionlawauthority.com](http://constructionlawauthority.com)

Board members and managers need to stay current on issues impacting repairs and maintenance projects. Expert advice is available from our 16 Florida Bar Board Certified construction attorneys on this informative blog.



## CALL

[callbp.com](http://callbp.com)

The Community Association Leadership Lobby ("CALL") was created to provide clients with the tools and training they need to stay informed on key issues and influence new legislation in Florida's Capitol.

**Client  
CARE  
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## Client CARE Center

Serving our valued clients is our #1 top priority. If you would like to know more about the Concierge service our Firm clients receive through our Client CARE Center, please contact us at 954-364-6090 or toll-free at 1-844-CAREBP1 (1-844-227-3271) or by email at [care@beckerlawyers.com](mailto:care@beckerlawyers.com).