



SIEGFRIED | RIVERA

HURRICANE PREPAREDNESS + RECOVERY GUIDE



SIEGFRIED RIVERA

INTRODUCTION

Hurricane preparedness is a significant undertaking for every community association in Florida. Being well prepared—and well informed—can be the determinant of whether association boards and their managers will sink or swim in the aftermath of a storm. We published this Hurricane Preparedness Guide to help associations navigate through the different stages and challenges that arise when a storm hits. We hope that these helpful tips will allow associations to stay ahead of the hurricane season and prepared in the event of a storm.

ATLANTIC HURRICANE SEASON

The Atlantic hurricane season is a period in a year when tropical cyclones develop more frequently in the Atlantic Ocean. There are three forms of tropical cyclones: tropical depressions, tropical storms and hurricanes. Meteorologists classify these systems using the Saffir Simpson Hurricane Wind Scale to measure the storm's strength. Hurricane season in Florida occurs from June 1 to November 30, with the peak of the season typically taking place from late August through September. During Florida's hurricane season, regular tropical weather outlooks are issued by the National Hurricane Center, the division of the United States' National Weather Service that is responsible for tracking and predicting tropical weather systems.

BEFORE THE STORM: THE PLANNING STAGE

Most Floridians who currently call the "Sunshine State" home have experienced some sort of natural disaster including tropical depressions or severe flooding. For those few that have not, the idea of preparing for a storm in advance may seem unnecessary. Even Floridians who have survived the likes of Hurricane Andrew and Hurricane Wilma forget to be proactive in their preparation. It is extremely important to remember that advanced proper planning for hurricane preparedness should be a year-round task.

Every year, weeks before the start of the hurricane season, community associations should review, go over and edit their hurricane preparedness plan delineating tasks and plans of action that would need to be executed in the event that a storm threatens the area. This "game plan" should not only include how the association will handle damage to their property caused by a storm, but it should also cover how the association—in consultation with management—will safeguard their building even before a storm is forecasted.

THE PRE-PLAN

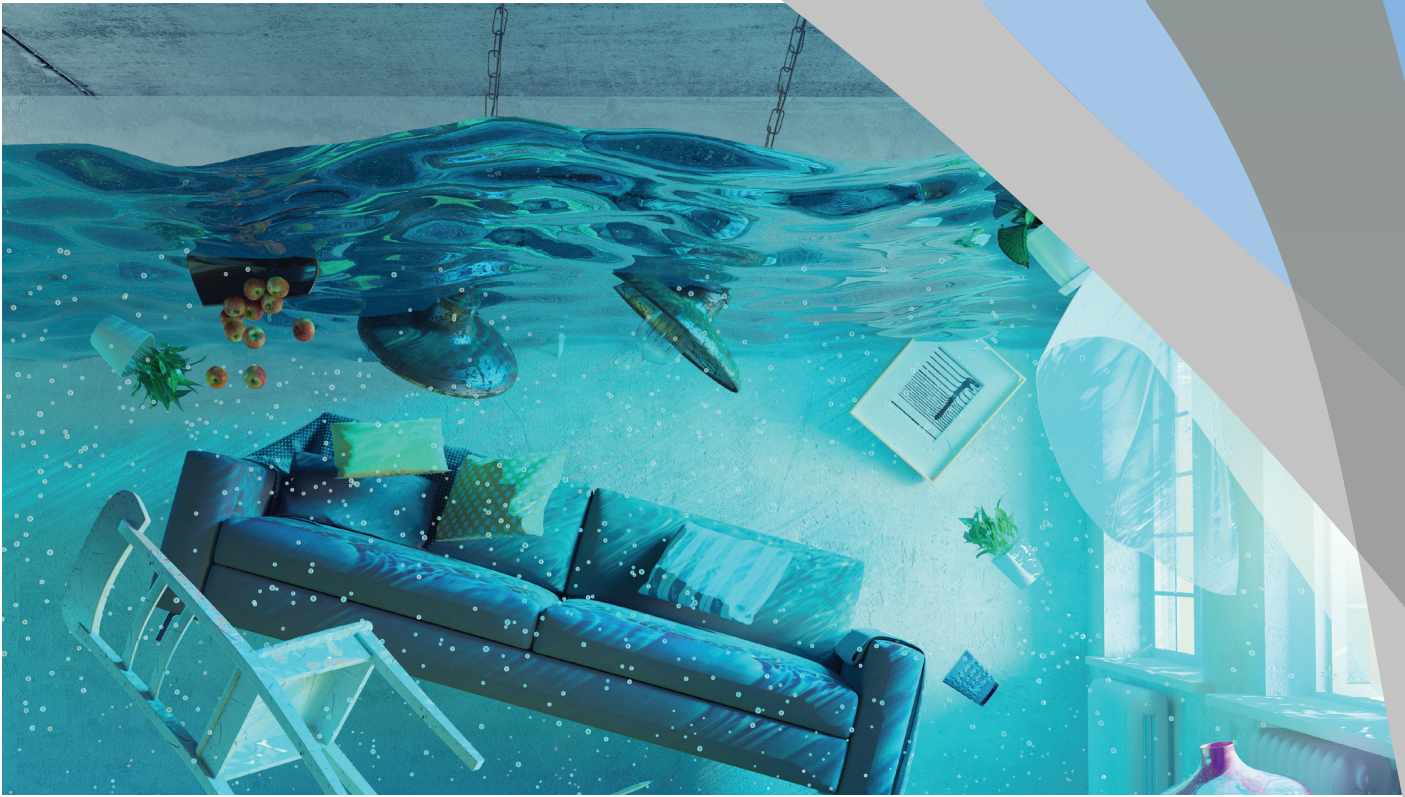
The board of directors should meet with the property manager and/or legal counsel to discuss and develop an official hurricane preparedness plan. The plan should include important elements such as how the preparation of the property

will be executed pre-storm, how evacuations will be handled during the storm, and who will be first on site post-storm once access to the building is attained. A complete inventory, including photographs, of the association's furniture and equipment should also be performed, allowing the board of directors to have a concise list of what will need to be stored and the condition of the property. Data such as contact information for residents and employees, vendor lists and contracts should also be analyzed to ensure that the updating of missing information is included in the hurricane preparedness "Game Plan."

During the meeting, the association's insurance policy should be reviewed to determine whether or not the current coverage is adequate and what exclusions may exist. This will allow enough time for the association to meet with their insurer, should they have any questions or find that additional coverage is necessary.

QUICK REFERENCE LIST OF NECESSARY INFORMATION

- Information on each resident.
- Information on each employee.
- Banking institution and account numbers.
- Insurance policy and coverage plan.
- Contact information for service providers (Insurance agent, CPA, attorney, landscaper, pool maintenance personnel).
- Inventory and photographs of furniture and equipment.
- Building plans and specifications.
- Location of emergency supplies.



DOES OUR ASSOCIATION HAVE ADEQUATE INSURANCE COVERAGE?

Florida law requires that a community association maintain insurance for all portions of the property—as initially installed in accordance to the building plans and specifications—as well as for any additions or alterations made to the common property. Besides the statutorily mandated insurance coverage, the association’s governing documents can also determine the extent of an association’s coverage responsibilities as well as the coverage required for individual homes. It is essential for associations to keep in mind that personal property is typically not covered under the association’s insurance policy. Therefore, most often an owner would be responsible for any damage caused to their flooring, walls, ceiling coverings, light fixtures, appliances, cabinets, countertops, and window treatments such as curtains drapes or blinds.

Community associations should also bear in mind that basic insurance coverage typically does not cover other sources of financial losses from profit earning revenues such as pools, tennis courts, etc. It would be wise for associations that have these expensive amenities to consider whether it would be worth paying the additional premiums necessary to add these elements to their existing coverage. Business interruption insurance should also be contemplated, as loss of rental income can have a harsh impact on the association’s financial stability.

THE GAME PLAN

Now that all of the necessary information needed to develop the hurricane preparedness plan has been gathered, it is time to put the "Game Plan" down on paper. It is essential to take the time to develop a plan that is right for your community. Involve the community's property manager in this stage. Depending on which property management company your association is using, you can ask if they have a hurricane preparedness plan template you can work off from. The plan should be developed with two goals in mind: maintain the safety of all residents and preserve and protect the property from preventable damage.

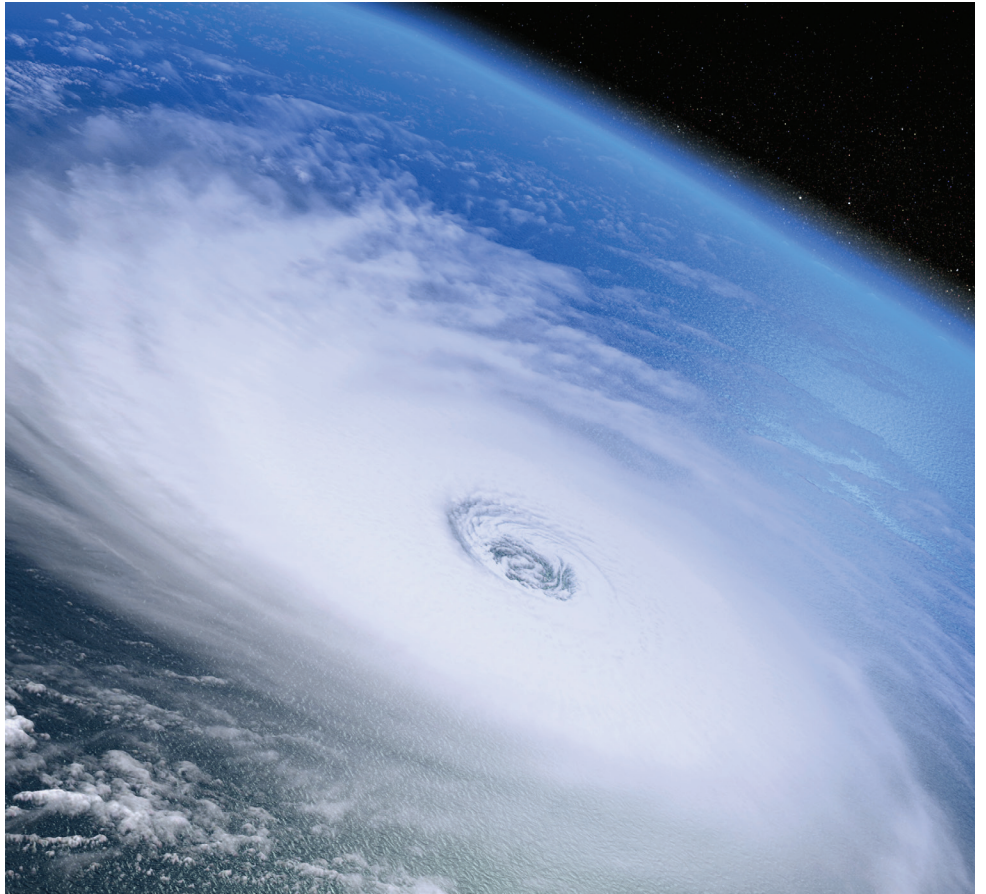
THE DISASTER RECOVERY COMMITTEE: INFORMATION HUNTERS

The plan can begin with the board's appointment of a Disaster Recovery Committee (DRC). The DRC should be in charge of making sure that all contact information is updated for residents, important vendors such as the association's engineer, landscaper, pool maintenance company, CPA, attorney, and restoration companies. A DRC member should also be selected to take date-stamped photos and videos of the property, including common areas, offices on premises, expensive equipment such as computers and generators, and all common areas and property belonging to the association. Pictures of the updated roster, personnel records, certified insurance policies,

building plans, accounting records, a copy of the governing documents, bank accounting information and service provider contracts should also be taken and kept in a remote, accessible location. An excellent way to safeguard any critical data is to store copies of relevant documents and pictures in a water-tight bag as well as sending copies via email to devices located in a remote location, preferably outside of the state.

Contact information for any personnel who will be on the property leading up to, during or shortly after the hurricane, should be kept. This includes the employee's address, home phone number, and next of kin's contact information. It is recommended that the association contact their attorney before allowing personnel to remain on premises during the storm, as

there are liability issues that should be considered. A DRC member should also be assigned to back up all community association related data, including records that must be maintained by the association in accordance with Florida Statutes. Finally, a structured timeline should be developed of who and when furniture will be stored and utilities such as electricity and water will be shut off.



THE COMMUNICATION PIECE

The property manager should develop a draft of the communication piece that will be distributed to all residents. This piece should be approved by the board of directors prior to issuing and should include clear instructions on how owners should prepare their units leading up to a storm and reminding the owners of their own maintenance obligations. The announcement should request that residents remove all furniture and items from their balconies that may serve as projectiles. It should also ask that residents notify management if their contact information has changed, as well as whether or not they will be remaining at the property or will be evacuating. Accounting for the whereabouts of all residents can be vital for emergency response teams who might have to provide medical assistance to any residents in need later on. The notice should also inform residents of water and electric shutoff times. For buildings that allow pets, a note should be included reminding residents to make necessary accommodations for their pets in advance. Any evacuation routes and information should also be communicated.

EMERGENCY POWERS

The hurricane preparedness plan should account for other essential tasks that must be handled well in advance of the storm's scheduled landfall. An element many associations fail to address is that of emergency powers. The Condominium Act was amended a couple of years ago to grant boards the ability to operate differently

when a state of emergency is in effect. A board of directors is now allowed to use reserve funds without having to obtain a membership vote when a state of emergency has been declared. Section 718.1265, Florida Statutes, gives the board the authority to:

1. Conduct board and membership meetings without giving any notice.
2. Cancel or reschedule meetings.
3. Designate temporary assistant officers who are not directors in case a current director is unavailable. These assistant directors will have the same authority of executive directors, as long as the state of emergency is in effect.
4. Relocate the association's offices.
5. Implement a disaster plan at any point leading up to, during, or after a storm that includes shutting off electricity, use of elevators, water, and security systems.
6. Require evacuation when a mandatory evacuation is in effect for that area. Residents who do not heed the mandatory evacuation request will relinquish any liability from the association, should any injury occur because of their refusal to leave the premises.
7. Mitigate further damage to the property through debris removal, disposal of standing water, and through any other action that is necessary but still allows the insurance carrier to inspect the damage caused by the storm before the conditions are altered. With this in mind, associations should

review their governing documents with their attorney to ensure that any barriers which may prevent the use of these statutory powers are incorporated into the association's governing documents. Another task that should be assigned is the purchase of emergency supplies to have on site such as non-perishable foods, plenty of water, an ample amount of fuel for generators, flashlights, a battery-operated radio, extra batteries, medical supplies and tools such as saws and shovels. Finally, the appropriate vendors hired to take actions such as cutting down trees, cleaning up debris and shuttering doors and windows should be contacted leading up to the storm to ensure prompt responsiveness post-storm.

PRE-NEGOTIATED SERVICE PROVIDER CONTRACTS

Community associations can benefit from entering into pre-arranged agreements with service providers that can assist them in mitigating damage. With the help of their attorney, the board of directors should obtain proposals and pre-select vendors for hurricane shutter/panel maintenance installation, debris removal, water restoration, public adjuster and security who will act only if necessary. This task should be executed during the planning stage and not after the storm hits. Associations with pre-negotiated contracts benefit from not only being on the top of the service providers list in the aftermath of the storm but from the price gouging that ultimately occurs in disaster-stricken areas.

ACCESS TO UNITS

As part of the “Game Plan,” the board of directors and property manager should make sure they have the necessary keys to access every owner’s unit. All too often, damage occurs in a unit of a resident that has evacuated, such as the bursting of a pipe or window. The association should be able to access that unit to mitigate further damage to the individual owner’s property, and more importantly, prevent the incident from affecting common areas and neighboring units.

QUICK REFERENCE LIST FOR GAME PLAN

- Designate a Disaster Recovery Committee (DRC)
- Take date-stamped pictures of entire property, common areas and equipment and store in a remote, accessible location.
- Update contact information for all residents and personnel.
- Develop a timeline of who and when furniture will be stored and utilities will be shut off.
- Prepare a communication to owners detailing balcony preparation instructions and other important information such as power outage times and pet accommodation reminders.
- Purchase emergency supplies and First Aid Kit.
- Review governing documents for board emergency power details.
- Contact important vendors to prepare property such as shutter maintenance, landscapers to cut down trees or company to check and refuel generators.
- Pre-negotiate contracts with applicable service providers and vendors.
- Ensure access to all units.



DURING THE STORM

If a storm is threatening to make landfall, the "Game Plan" should be activated. By this point, all furniture should be stored, all power should be shut off, and an updated roster of residents who have decided to remain onsite should be available.

It is imperative that at least one DRC member stay up-to-date with information coming in from officials at all times. An area that may not have been in an evacuation zone may quickly become one. A DRC member should be in charge of keeping residents up-to-date with these notifications, as well as providing any information possible on the status of the property. Keep in mind that those residents that decided to evacuate have likely left all of their most precious belongings behind. They will appreciate receiving any communications updating them on the state of the property. However, should a mandatory evacuation be in effect, it is recommended that ALL residents and personnel leave the premises, as the prevention of injury or human loss should be the ultimate priority.

Also, management should be mindful of how the building has been secured. Though it is important to prevent as much damage as possible from happening, it is also essential that entryways and exits are not entirely chained closed. There should always be a way to get in and out of the property in case anyone has to evacuate last minute or should an emergency response team need to access the building.

AFTER THE STORM: RECOVERY

Depending on the extent of the damage, it is possible that access to the property might be denied. The board of directors should have already prepared to hire security personnel during the planning stage, which would prevent any vandalism from taking place on the property. Keep in mind that police officers will be diverted to handle more pressing matters. Therefore, an association cannot solely rely on local police to prevent theft from occurring while their building is inaccessible.

Once access is granted, and the structure is deemed safe, a DRC member should survey the entire property to identify damage and prioritize areas that are in dire need of attention. This committee member should be taking date-stamped photos and video of any noticeable damage from different angles and perspectives during the inspection.

The next steps that are made are crucial to an association's well-being. If the nature of the damage is found to be extensive, everyone will likely want it fixed immediately. Beware of acting hastily and signing the first contract received that promises for a quick solution.

Our best advice is to stick with the disaster plan, which will hopefully already address how to mitigate direct damage such as water intrusion or windstorm damage.

Any immediate steps that must be taken should require contracts of short duration. All contracts should be reviewed by the association's legal counsel who will take care of negotiating and ensuring the interests of the association are protected. The attorney will also confirm that the vendor the association is about to enter into an agreement with is reputable. Incidents involving out of state companies that come to assist and suddenly disappear once they've been paid are common. Make sure to resist the urge of acting on impulse, as it may do more harm than good.

FILING THE INSURANCE CLAIM

Once the immediate damages have been mitigated, it is important to immediately put the insurance carrier on notice. Be aware that damage caused by flooding will require a separate claim against flood insurance policies. Insurance companies will likely be overwhelmed with the amount of claims they will be receiving and will be mobilizing their adjusters and inspections on a first come, first serve basis.

QUICK REFERENCE LIST FOR THE FILING OF AN INSURANCE CLAIM

General Facts

- Capture all damage from different angles and perspectives via date-stamped pictures, videos and even drone shots.
- Only mitigate necessary damage. Do not begin major repairs until the carrier's inspector has had a chance to survey the damage.
- Do not discard any damaged features during clean-up efforts.
- File the claim immediately with the help of a qualified insurance attorney.
- Hire a public adjuster.
- Chronicle everything, including logs of inspections, telephone calls, etc.

For Flood Claims

- If contents (or business personal property) were damaged, take several photographs of each damaged item prior to discarding it. Make sure you can identify the item in the photograph (i.e. take pictures of labels). Don't just take a photograph of a pile of stuff.
- Make an itemized list of the damaged contents (or business personal property). Include, model numbers, serial numbers, the manufacture's name, type of material, age, and other details on the list.
- Be familiar with your limits. If you have a contractor cleaning up the flood damage, make sure you have a reasonable expectation of the cost. Avoid large upfront payments to contractors, even if they are reputable.

For Wind/Hurricane Claims

- Just because it didn't break doesn't mean it's not damaged. Check the operation of your windows and doors to ensure that they were not compromised or dislocated by the wind loading and pressure.
- If you suffered damages, file a claim regardless of the deductible. Damages from a storm sometimes do not become apparent until days—or even months—after the storm. Avoid erroneous denials for late reporting. Keep an eye on your roof and openings for issues down the road. Your insurance company has an obligation to complete a thorough inspection of your property. Unfortunately, it is becoming prevalent for insurance representatives to inadequately inspect damages. Should that be the case for you, at least you can rest assured that you complied with your obligation to provide prompt notice.
- For residential condominiums, only make repairs for life safety (i.e. remove wet materials and board up windows). For commercial properties, pay close attention to your business income coverage and make limited temporary repairs to get back to business (i.e. patch the roof and remove ceiling tile grid, don't replace it).





IMPORTANT RESOURCES

Useful Contacts Before, During & After a Storm or Disaster:

FEDERAL AGENCIES

- EMA- www.FEMA.gov 1-800-621-FEMA
- NOAA- www.weather.gov (Miami) 305-229-4522
- HUD- www.hud.gov 1-800-245-2691

STATE AGENCIES

- Florida Division of Emergency Management- www.floridadisaster.org 1-800-226-4329
- Florida Office of the Attorney General- www.myfloridalegal.com 1-866-966-7226
(Report suspected cases of price gouging)

ADDITIONAL RESOURCES

- American Red Cross- www.redcross.org 1-800-RED-CROSS
- All Hands and Hearts- www.allhandsandhearts.org 508-758-8211
- The Salvation Army- www.salvationarmyusa.org 1-800-SA-TRUCK
- ASPCA- www.aspcs.org 1-888-666-2279
- Humane Society of Greater Miami- www.humanesocietymiami.org 305-696-0800