



Best Practices for Community Associations Pre-Tropical Storm Nicole

1. The Association's board must notify all owners/residents of any hurricane/flood warnings issued by the National Weather Service and of any protective measures as recommended by local emergency officials. This may be accomplished via several means, including updating the association's website, sending an email out to all owners/residents, calling all owners/residents, or informing all owners/residents in person or by posting a notice to their door or at the community entrance. If an evacuation order has been issued, such as the current case for Tropical Storm Nicole, the board must also notify the owners/residents to leave the building or property as soon as possible. The board can provide a list of local shelters for owners/residents to evacuate to. Depending upon the strength of the storm, the board may close all common elements/areas until the storm has passed and it is once again safe to reopen.
2. Once the storm hits, the Association's board should first assess the damage to the community and make sure that all owners/residents are safe. If there are injuries, the board should assist with obtaining medical treatment and contacting the emergency officials. If there is property damage, the board should notify the insurance company as soon as possible. For more information, please see the other attachment included with this email titled [KBLG – Tropical Storm Nicole- Important Considerations re Insurance Claims](#). In addition, the board must take reasonable efforts to protect the association property from additional damage. As a result, the board may need to enter units for emergency remediation. For more information, please see the other attachment included with this email titled [Information re Accessing Units for Inspection of Damages and Emergency Remediation – Tropical Storm Nicole](#). If the board needs to secure damaged residences, the board should take photographs or videos of the damaged property/units prior to mitigating any damage to protect the association and/or owners when filing damage claims with insurance.
3. Next, it is important for the Association's board should review their condominium governing documents (**or reach out to association's legal counsel to assist with review of their governing documents**) to determine whether their documents contain an "automatic termination clause." Such a clause typically goes into effect when more than half of the units are damaged and are rendered uninhabitable and require the unit owners to vote within a certain time to rebuild the units. If a majority vote isn't obtained, the condominium will terminate.
4. In addition to reviewing the governing documents, it is also important for the Association's board to review Florida Statutes Chapters 718 and 720 (Condominium, Cooperative, and Homeowners Association Acts) to determine whether certain "Emergency Powers" are available to them (**or reach out to association's legal**

counsel to assist with such determination). Such Emergency Powers are available when federal or local officials have declared a state of emergency. A few Emergency Powers available to the board, include holding board meetings and membership meetings in person or remotely without posting notice, using reserve accounts for “non-reserve” purposes, levying special assessments or borrowing money without owner approval, and closing portions of the common elements until it is safe to re-open. Please note, boards should consider arranging for a line of credit before any hurricane/tropical storm occurs to enable the board’s immediate use of funds needed for necessary clean-up and repair processes before insurance funds become available.

5. Lastly, once the storm has passed, the board should carefully select companies or individuals to assist in the restoration of the property and obtain contracts from them for review and proper approval. Post hurricane/tropical storm, restoration resources become in high demand, and may be limited or backlogged as a result; thus, these calls should be prioritized. However, construction companies, emergency repair outfits, and public adjusters may approach the Association first offering contracts. The board should be weary of such offers because: 1) Such contracts are often “one-sided” and are written to benefit the contractor at the association’s expense; and 2) Many contractors that will appear may be unlicensed and/or unqualified and looking to take advantage of the situation. **Be sure to have your association’s legal counsel review such contracts before signing them to ensure that the association’s interests are properly protected.** Additionally, the Association’s board may use the Better Business Bureau, Chamber of Commerce, trusted associates, the DBPR (to check licensing), or other sources to carefully vet those who seek the Association’s business.