

## CALL Alert!

# CALL

COMMUNITY ASSOCIATION  
LEADERSHIP LOBBY



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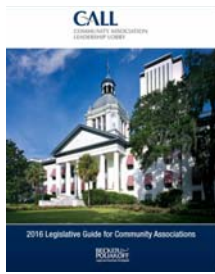


### What To Do After Hurricane Matthew—CALL Alert for October 7, 2016

For some of you, Hurricane Matthew has already passed, while others are still currently being impacted. We are hopeful that you and your neighbors remain safe, but we know this will be a devastating storm in some areas. Therefore, we are sending the following information again as your community begins the recovery process.

#### Dealing with the Aftermath of the Storm

1. Assist emergency personnel in accounting for your residents particularly the most vulnerable (i.e. Elderly or those with medical needs) in your community. Use your emergency contact list for those residents who cannot be found or who may need help post disaster.
2. Secure your property. If you have a security gate in your community, make sure it is functioning and accessible to emergency personnel for cleaning up debris and helping residents. If your community has been evacuated make sure that all entry doors to the building and recreational amenities are secured. You do not want trespassers finding their way onto your property in the aftermath of this storm.
3. Take immediate steps to ensure the structural soundness of buildings and prevent further water and element intrusion if Matthew blew out



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windows or doors or tore openings in your roof.

4. To the extent water damage has occurred, remove damaged Association personal property and work with the owners to remove their damaged water-soaked property to prevent mold infestation. Once the buildings have been shored up and dried in (with appropriate consideration for necessary ventilation), begin the dry out process.
5. Take date-stamped pictures and video of the storm damage, assemble maintenance records and any bench marking data you previously compiled and contact your agent.
6. Separate the urgent tasks from the important ones. The foregoing steps are urgent. The next steps for your recovery include properly vetting contractors to undertake all necessary repairs and working with your professional advisers to shepherd your insurance claim.

#### Do's and Don'ts

1. **Do** Download the [Becker & Poliakoff Hurricane Preparedness and Recovery Guide](#)
2. **Do** Download the Red Cross Emergency App: The Red Cross Emergency App provides people with instant access to emergency alerts and life-saving information. The app is available in app stores by searching for American Red Cross or by going to [www.redcross.org/apps](http://www.redcross.org/apps)
3. If Matthew crosses your path and causes damage to your community, **Do** call or email your Becker & Poliakoff community association attorney as soon as possible so that we can help assist in reviewing your recovery and repairs steps. You can also reach CALL via email at [CALL@bplegal.com](mailto:CALL@bplegal.com).
4. **Do** establish written contact (e.g. by email) with your insurance agent, apprise him or her of the initial damage assessment, and request a personal visit. If you do not have one on hand, ask for a certified copy of all applicable insurance policies and not just the declaration pages.
5. **Do** provide your attorney with a copy of your insurance policies if you want assistance in navigating through the maze of legal requirements you face, including mitigation of damages, reporting, the availability of advances, and the

like.

6. **Don't** rush to bind the association to a long-term repair contract. Your immediate needs include safeguarding the property from element intrusion. You have time to properly vet contractors and negotiate a contract which preserves the association's rights.
7. **Don't** hire a Public Adjuster (PA) until you have spoken with your association attorney to discuss what a PA can and cannot do for your claim and to clarify the terms of that PA representation.
8. **Don't** sign a repair contract which assigns your insurance benefits to the contractor.
9. **Don't** be fooled by sales pitches from attorneys, contractors, engineers, public adjusters and others you do not know. Every disaster brings with it a certain amount of opportunism which is usually not in the best long-term interests of your community.

### **Emergency Powers**

The shared ownership statutes, Chapters 718, 719, and 720, Florida Statutes, authorize the board of directors to exercise certain emergency powers in response an event for which a state of emergency has been declared, including:

- use reserve funds for emergency purposes without a membership vote;
- conduct board meetings and membership meetings with notice given as is practicable;
- cancel and reschedule any association meeting;
- name as assistant officers persons who are not directors, which assistant officers shall have the same authority as the executive officers to whom they are assistants during the state of emergency to accommodate the incapacity or unavailability of any officer of the association;
- relocate the association's principal office or designate alternative principal offices;
- enter into agreements with local counties and municipalities to assist counties and municipalities with debris removal;

- implement a disaster plan before or immediately following the event for which a state of emergency is declared which may include, but is not limited to, shutting down or off elevators; electricity; water, sewer, or security systems; or air conditioners;
- based upon advice of emergency management officials or upon the advice of licensed professionals retained by the board, determine any portion of the condominium property unavailable for entry or occupancy by unit owners, family members, tenants, guests, agents, or invitees to protect the health, safety, or welfare of such persons;

For a full list of emergency powers available, please see Sections 718.1265, 719.128, and 720.316, Florida Statutes as applicable.

As an annual retainer client of Becker & Poliakoff, you are entitled to receive a post-disaster visit from an attorney at no charge to assist in assessing both short term and long term needs that your Association will face during this process.

Very truly yours,



Yeline Goin, Executive Director  
Community Association Leadership Lobby (CALL)

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