

LEGAL



What to do before and after a Hurricane

BY MARK FRIEDMAN, FLORIDA BAR CERTIFIED AS A SPECIALIST IN CONDOMINIUM AND PLANNED DEVELOPMENT LAW

Before a Storm

Photograph and make a video of the exterior of your building. In the aftermath of a storm the insurance company will know if the damage was pre-existing or was caused by the storm.

The Condominium Act requires that the amount of adequate insurance coverage for full insurable value, replacement cost, or similar coverage for your buildings may be based on the replacement cost of the property to be insured, as determined by an independent insurance appraisal or an update of a previous appraisal. The replacement cost must be determined at least once every 3 years, at a minimum.

Protect your documents by digitizing them. Paper documents on the first floor, in a file cabinet do not survive a flood.

Make sure that you have policies in place to require every condominium unit to be hardened for the storm.

Examples would be amendments to your documents requiring shutters or impact windows.

You should also have a vacant unit policy explaining how to handle items on their balcony, their shutters, etc.

After the storm

After a major storm comes through our area, which may cause severe property damage, what should you do, and what should you avoid doing?

Once the storm passes, there is often a sense of panic and urgency. The Board wants to react quickly. Public adjusters and contractors will descend on the area and try to get you to sign up with them immediately, often telling you that if you don't sign up now you will have a long wait. They will often have contracts that are one-sided and more expensive than the job might otherwise cost. They often have one-to-

two-page contracts with undefined terms. They may also seek an assignment of benefits which is generally not legal.

The first thing you should do, instead, is to call your insurance agent and then your attorney. These should be numbers that you have with you, whether you are a snowbird Board member who is up north, or you are a full time resident but had to leave for shelter during a storm. Take those numbers with you. You are required by law to have insurance coverage for this type of event.

If there is significant damage, consider immediately hiring an engineer as well. You want to preserve the community for the insurance adjuster to inspect your claim. You can mitigate to some extent but you need your insurance adjuster to see the damage. If you allow one of these contractors who shows up after the storm to remove all of the damage,

your approved claim may be lower than it might have otherwise been.

You should also have your own public adjuster on your team reviewing your claim. This is an insurance expert you can hire to manage your claim for you. For clients of Becker, we have created a company called Association Adjusting. Unlike other public adjusters, they provide a level of care to condominium associations in keeping with Becker's long-standing philosophy of client care.

Mark D. Friedman is recognized by the Florida Bar as a Board-Certified Specialist in Condominium and Planned Development Law. This article is intended for educational purposes only. If you need information on the foregoing, please contact your Association's attorney. Mr. Friedman may be reached at MFriedman@BeckerLawyers.com.

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