



Condominium Law Q&A

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HURRICANE PREPAREDNESS: While we have been fortunate thus far two months into the 2009 hurricane season, and have not experienced any tropical storms, we must remain vigilant. Should a tropical storm or hurricane impact your community, I want to remind you that, in the aftermath of a storm, there are several things which must be done: (1) Secure the premises from unauthorized intrusions; (2) Shore-up any damaged openings into the building(s) structure; and (3) Dry-in the building by removing wet drywall and carpeting to prevent the growth of mold. Condominium Associations have been granted broad emergency powers to act in response to a catastrophic event. In particular, when a state of emergency is declared, the Board is authorized to:

- (a) Conduct board meetings and membership meetings with notice given as is practicable.
- (b) Cancel and reschedule any association meetings.
- (c) 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.
- (d) Relocate the association's principal office or designate alternative principal offices.
- (e) Enter into agreements with local counties and municipalities to assist counties and municipalities with debris removal.
- (f) 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 shutting off elevators; electricity; water, sewer, or security systems; or air conditioners.
- (g) 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.
- (h) Require the evacuation of the condominium property in the event of a mandatory evacuation order in the locale in which the condominium is located.
- (i) Based upon advice of emergency management officials or upon the advice of licensed professionals retained by the board, determine whether the condominium property can be safely inhabited or occupied.

- (j) Mitigate further damage, including taking action to contract for the removal of debris and to prevent or mitigate the spread of fungus, including, but not limited to, mold or mildew, by removing and disposing of wet drywall, insulation, carpet, cabinetry, or other fixtures on or within the condominium property, even if the unit owner is obligated by the declaration or law to insure or replace those fixtures and to remove personal property from a unit.
 - (k) Contract, on behalf of any unit owner or owners, for items or services for which the owners are otherwise individually responsible for, but which are necessary to prevent further damage to the condominium property.
- (l) Regardless of any provision to the contrary and even if such authority does not specifically appear in the declaration of condominium, articles, or bylaws of the association, levy special assessments without a vote of the owners.
 - (m) Without unit owners' approval, borrow money and pledge association assets as collateral to fund emergency repairs and carry out the duties of the association when operating funds are insufficient.

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