



DIRECT HIT. A deer forages for food among the ruins left by Hurricane Irma in the Port Pine Heights neighborhood on Big Pine Key, Fla., on Sept. 14. Irma knocked out water, electricity, and cellphone service throughout the Keys. Early estimates from the Federal Emergency Management Agency indicated the storm destroyed 25 percent of all homes in the Keys; 65 percent sustained major damage.



CHIP SOMDEVILLAGETTY IMAGES

More hurricanes hit Florida than any other state, but Irma's size, strength, and path made it different than so many others. It also revealed associations have a lot to learn before the next major storm.

BY STEVE BATES

THE WAKE-UP CALL

ON SUNDAY, SEPT. 10, Randy Niles hunkered down in Key West, Fla., and waited for Hurricane Irma. The Category 4 storm barreled directly into the Keys, covering them with several feet of water, snapping trees, knocking down power lines, and leaving countless tons of debris before moving up the state's Gulf Coast.

Niles, manager of the Key West Golf Club Homeowners Association and a Community Association Co. employee, emerged the next morning to discover a community that had been washed back to an earlier time.



WIDE-RANGING DAMAGE. A man walks his dog past a beachfront home destroyed by Irma in Vilano Beach, Fla. The storm's path—through the Keys and up the Gulf Coast—meant thousands of community associations were impacted, though damage was uneven.

“THERE WAS NO communication with any island,” he recalls. “You found somebody by going and knocking on their door. If you didn’t bump into them, you couldn’t get them.”

Born and raised in Key West, Niles had weathered many severe storms, but he says Irma may have been the strongest hurricane he’s ever experienced.

The good news: There was surprisingly little serious damage to buildings and vehicles in the community. “We got pretty lucky,” he notes.

The bad news: Most people were largely in the dark about conditions on the island.

“The owners were like: ‘Why can’t these people call us and tell us how our properties are?’ Well, we would love to. We would love to call our wives and kids and our family members and tell them we’re alright too. But we had no email, no phones, for about six days.”

Occasionally, someone’s landline would work for a few hours. “There were lines 60 or 80 people deep” to use them, with a two-minute call limit. In some parts of the Keys, electrical service wasn’t restored for several weeks. Gradually, however, the focus of association leaders turned from cleanup to preparation for the next storm or comparable crisis.

UNEVEN IMPACT

Irma’s path—through the Keys and up the Gulf Coast—meant thousands of community associations were impacted by the storm, though damage was uneven.

Thankfully, storm surges weren’t quite as high as predicted in many areas of the state, but winds—and loose items that became projectiles—smashed windows. Water intrusion in condominiums was common. Roofs and awnings were damaged. Metal carport covers were demolished. Wooden fences were shattered.

Without electricity to power pumping stations, sewage backups occurred.

It was a “huge mess” at Foxfire Golf & Country Club community in Naples, says General Manager Donald Shea, even though the community was spared significant structural damage.

Tree damage was particularly widespread. Fallen branches and toppled trees not only blocked roads and struck buildings, they also damaged utilities. Uprooted trees impacted underground electric and water lines as well as overhead power lines.

John Hagerty says that about a dozen huge banyan trees were uprooted on the picturesque grounds of the Wildewood Springs Condominium Association, which he manages, in Bradenton. Upwards of 40 years old and 40 feet high, and weighing as much as 5 tons each, the majestic trees cost about \$40,000 each to remove. And they simply cannot be replaced.

“It’s really sad,” observes Hagerty. But because so many other trees and shrubs on the property survived, “We haven’t lost our ambience.”

Cleanup and recovery related to Irma will extend several months into 2018 in some areas of the state.

“The cleanup has been a nightmare,” says Ellen Hirsch de Haan, an attorney with Wetherington Hamilton in Tampa, a fellow in CAI’s College of Community Association Lawyers (CCAL), and a CAI past president. “There’s not one single piece of property, certainly in the Tampa Bay region, that didn’t have debris. I drive through neighborhoods to get to work every morning, and there are piles everywhere. Hundreds of piles.”

Some associations had arranged in advance to receive priority treatment from key vendors, such as those that remove trees from roadways, in the immediate aftermath of the storm. “This is when you find out if you take care of your vendors and whether that treatment works,” says Hagerty.

One of the reasons Irma was so different from many Florida hurricanes is that it impacted almost the entire state. Most previous storms had more localized effects.

“There was an emotional impact from this storm. The storm was so big, so massive,” says Donna DiMaggio Berger, a shareholder with Becker & Poliakoff in Fort Lauderdale and CCAL fellow. “Even hardened Floridians had become a bit complacent after a decade of not really having a significant hit. This storm scared a lot of people.”

LESSONS LEARNED

If there was one dominant lesson learned from Irma, it was the importance of communication.

At least one association management company has made plans to establish an emergency operations hub outside of the hurricane zone for the next big one.

John Strohm, senior vice president and chief operating officer of Alliant Association Management in Fort Myers and Naples, says his firm, which man-

ages more than 150 communities, plans to send a team to Atlanta ahead of future hurricanes. Other associations are planning to diversify communications channels, such as by establishing a dedicated storm information phone number.

Despite the temporary inability of associations to update their website or to call, text, or email property owners, leaders did what they could. At Foxfire, two days after Irma hit, word of mouth resulted in good attendance at an information-sharing meeting attended by staff and residents who had not evacuated, says Shea.

Among the survey’s findings:

In nearly 90 percent of the communities that were under mandatory evacuation orders, some residents remained in their homes. Most of these associations did not knock on doors or remind residents of the orders. “A substantial number of communities had residents at risk,” says Berger.

Fewer than 20 percent of associations exercised any of the emergency powers they could invoke under state law to do things such as conduct meetings with less notice than typically required, levy special assessments without a vote of the owners,



FALLING FEELING. Trees knocked down by winds and rain littered communities throughout the state. They blocked roads, struck buildings, and damaged utilities. Some communities lost nearly all of their tree coverage.

Irma highlighted several other significant concerns. (See “Powerful Message,” p. 34.) A few of the issues were identified in a survey of more than 500 community association stakeholders by the Community Association Leadership Lobby, Becker & Poliakoff’s advocacy arm.

and appoint certain staff members to act as executive officers in the absence of the regular officers. Many association leaders were unaware that they had these powers.

Some communities didn’t have adequate financial resources to address storm-related expenses, such as through

well-funded reserves or lines of credit.

Many didn't review insurance documents before the storm hit or take adequate precautions to preserve crucial documents. (See "Surveying the Storm" on p. 36 for more results.)

Armando Edmiston, an attorney with offices in Fort Lauderdale and Tampa who handles insurance claim disputes, says insurance company adjusters are concerned in large part about taking care of their company. Even public insurance

ages caused by delays obtaining materials or repairs. Without comprehensive insurance coverage, damage from a hurricane like Irma "could nearly bankrupt an association," he warns.

"Irma was a wake-up call," says Katalina Cruz, managing director of operations for Miami-based KW Property Management & Consulting, which serves about 250 communities. "We can't train how to prepare for hurricanes. Irma was a true test (of association leaders' resiliency)."

Cruz notes that many communities had damages that fell below the deductible of their insurance policies, and they had to pay for repairs out of pocket. "If they didn't have proper reserves, they have to pass special assessments," she says.

Some associations were forced to delay many important projects to pay for hurricane cleanup and repairs, adds Cruz.

Association leaders say that they see no need to support any legislative changes based on their experience with Irma. Other than the fact that relatively few community associations knew about—or felt the need to exercise—their emergency powers under state law, the law worked well where invoked, and no report of abuse of those powers surfaced in the first weeks after the hurricane.

PLANNING FOR THE NEXT ONE

The ability of community associations to handle future hurricanes—and other crises—won't be known for certain until the next one hits. Clearly, say association leaders, Irma exposed weaknesses and dispelled assumptions about planning in many communities. But even in those that weathered the storm well, there are lessons to be learned and plans to be improved.

Budget season arrived not long after Irma roared out of Florida, providing a fresh opportunity to update financial blueprints. Items as basic as cleaning up and replacing vegetation will need to be addressed by many associations, especially since they're not insurable claims, notes John Busa, vice president of business development and administration for Alliant. Many associations didn't set aside funds for storm damage in 2017, he adds.

Berger says she was troubled that the vast majority of respondents hadn't enlisted and weren't planning to enlist the help of professionals to assist them with compiling their insurance claims. "It is enormously difficult to fully recover from a casualty loss, especially a casualty as significant as a hurricane, without professional assistance," she says.

claim adjusters typically charge a fee to community associations.

"It's not like insurance adjusters are looking out for your best interests," he says.

Edmiston urges associations to secure business disruption insurance coverage because some structures can continue to deteriorate before they can be repaired, and there could be a valid claim for dam-



POWERFUL MESSAGE

HURRICANE IRMA delivered powerful winds, a storm surge, flooding, and many lessons learned throughout the state.

COMMUNICATION. Many association leaders—including those who stayed and those who evacuated—were unable to deliver essential information in a timely manner to residents and staff.

DOCUMENTS. Some associations didn't adequately safeguard critical documents and data, or they didn't have access to that information when they needed it.

VENDOR RELATIONSHIPS. Some associations didn't have arrangements in place for trusted vendors to clear debris from roads or perform other essential services immediately after the storm ended.

FINANCIAL PREPARATIONS. Many associations didn't set aside enough money in operating funds or reserve funds for cleanup and recovery. Or they didn't have a line of credit to cover crucial expenses.

LEADERSHIP ISSUES. Many association leaders were unaware of—or failed to take advantage of—a state law allowing them to invoke emergency powers that streamline important decision-making. —S.B.



RISE AND SHINE. A family in Arcadia, Fla., left, salvages everything they can as flood waters rise around their home. State and local officials, below right, conduct a wellness check on a Key West resident two days after Irma struck. A Naples, Fla.-area homeowner, below left, displays a message of hope and determination.



Strohm says that as associations prepared their budgets for 2018, Alliant noted a significant increase in communities partially funding reserves to keep regular assessments down. Some property owners will be hard-pressed to pay significantly higher fees to cover Irma's wrath, whether through regular or special assessments or both.

An association never can be totally ready for a storm like Irma, experts say. But there are some basic steps that help significantly.

"I think people have completely forgotten about planning. The first thing you do is you scan all of your records, and you put them on a thumb drive," says de Haan, the Wetherington Hamilton attorney. "You have to have your insurance policies, your phone numbers and information for how to contact your owners. You need any contacts you have with the pool service or lawn service or anything else. Any work you have going on has to be secured." She recommends placing all vital records in waterproof bags.

"People think, 'It's not going to happen here. It hasn't happened in 10 years. It's not going to happen now,'" notes de Haan. "You have to look at your whole property and say, 'What have we

got that could be a problem?'"

The considerations are different for community associations with single-family homes, most of which only need to worry about common areas, and condominiums, says de Haan.

"(With condominiums), you've got the whole building and all the exterior of the structure to be concerned about. And you have to make sure you have wind storm coverage and flood coverage," she says.

Hurricanes often fail to do the damage that forecasters predict. However, "Irma made it real for many associations," says Cruz. "It can happen again."

Some associations take a proactive approach to crisis preparedness. Fox-fire hosted three hurricane seminars for its members during the months before Irma struck. Once state and local officials began calling for residents to leave the area in advance of the storm, says Shea, residents realized: "We really should evacuate—and evacuate early."

Shea suggests that leaders of every

Florida association write down everything they've learned so they can add it to their plans for future crises.

For all of its damage, Irma had at least one positive impact: It helped bring people together. Bonds among residents—and between residents and association leaders—were strengthened by individual and collective actions that brought out the best in people.

Says Randy Niles: "Sometimes, people rely on the association to deal with all their issues. They pay their (assessments) and they expect everything. But when this happened, they stepped up and didn't wait for the association to hold their hand."

Some homeowners "got back into the community even before me," says Niles. "They cut their way through and made their way to their property, checked on their stuff. They helped other people and they helped neighbors.

"It was a real nice experience." **CG**

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SURVEYING THE STORM

THE COMMUNITY ASSOCIATION LEADERSHIP LOBBY, created by Becker & Poliakoff law firm, conducted a survey in the weeks following Hurricane Irma about how well communities prepared for the storm and how they were faring in their recovery efforts. More than 500 association leaders responded.

Was your community subject to a mandatory evacuation order?

YES 45% NO 55%

Did your building enforce that evacuation order?

YES 33% NO 67%

Did your building shut down essential building services?

YES 54% NO 46%

Did building personnel knock on doors to remind residents to evacuate?

YES 37% NO 63%

Did you have any residents stay in the face of a mandatory evacuation order?

YES 83% NO 17%

Conduct board and membership meetings with less and different types of notice than typically required by law?

YES 12% NO 88%

Cancel and reschedule any association meeting?

YES 24% NO 76%

Name assistant officers ... during the state of emergency to accommodate the incapacity or unavailability of any officer of the association?

YES 7% NO 93%

Relocate the association's principal office or designate alternative principal offices?

YES 6% NO 94%

Enter into agreements with local counties and municipalities to assist counties and municipalities with debris removal?

YES 13% NO 87%

Levy special assessments without a vote of owners?

YES 5% NO 95%

Did you have fully funded reserves at the time Irma hit?

YES 43% YES 22% NO 35%

YES, NOT FOR POST-STORM REPAIRS 43%

YES, FOR POST-STORM REPAIRS 22%

NO 35%

Did you have a line of credit at the time Irma hit?

YES 11% YES 11% NO 78%

YES, NOT FOR POST-STORM REPAIRS 11%

YES, FOR POST-STORM REPAIRS 11%

NO 78%

Did your building or community suffer any damage?

YES 56% NO 44%

Did you hire (or do you plan on hiring) an independent public adjuster to assist with your insurance claim?

YES 11% NO 89%

Did you discuss your insurance claim or your repair project with your association attorney?

YES 14% NO 86%

Do you plan on discussing your insurance claim or your repair project with your association attorney?

YES 24% NO 76%

» More survey results available at callbp.com.



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