

CONDO HOA

MANAGEMENT MAGAZINE

Cover Story

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FLORIDA EDITION



FLORIDA CONDO & HOA INSIGHT:

BY DONNA D. BERGER, ESQ.

As with most things in life, security is a term that is subject to many different interpretations and elicits many different emotions. In a community association setting, security is a particular concern, as the selling point for many communities is the feeling of security it provides to residents.

TO CATCH A THIEF:

HOW MUCH SECURITY SHOULD YOU BE PROVIDING?

Of course, the questions most board members and managers ask are, "How much security is enough?" and "How much security is real and how much is illusion?"

Does your association have an electronic gate, a manned guard gate, roving patrols or strategically located video cameras in your community? What about a neighborhood watch? Are your common areas and recreational facilities such as the pool, clubhouse and tennis courts properly locked and monitored? Just how much security does your association need to provide?

The answer really depends on the type of community you have, your location, the requirements in your governing documents and any history of crime you may have experienced in your association. Some governing documents do require the board to provide specific security measures such as roving patrols. Others are silent on the issue, but the board's duty to protect the health and safety of the community residents is implicit.

Of course, no matter what level of security your documents require or you have provided, any type of criminal incident in your community necessitates an examination of current security and a discussion on what else needs to be done to prevent another incident from occurring. A violent crime against a person in the association parking lot might require upgrades in lighting the premises, trimming or removing shrubbery where people can hide and instituting roving patrols during certain hours. An incident of vandalism might require strategically placed video cameras to capture any future incidents on film. Of course, the board should know how to operate and review those cameras to ensure that the data is captured before being automatically erased in some instances. A visitor's log at the front gate will identify every vehicle; such a list can prove valuable for police should the need arise.

Not examining security measures after a criminal incident and upgrading as needed could certainly result in the association facing potential liability for negligence in the event a future crime occurs. One community I knew was considering removing their roving patrol as a means of cost cutting, but this was after a recent homicide on the property! After a frank conversation about the possible



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consequences of such a decision, the board looked elsewhere to trim the budget. If a negligence claim has already been filed in connection with a criminal incident, an association should not be reluctant to take the necessary remedial steps to improve security; as such remedial steps cannot be used against them in the underlying action.

Once you determine what security measures your community needs or wants, the next issue becomes determining which security measures provide real deterrents to crime and which might provide only an illusion of security. For example, a manned guard gate might give a false sense of security to residents living in gated communities. A friend living in a gated community recently told me that she doesn't feel the need to lock her car doors because they have "guards" in her community. Just how realistic is that sense of security?

In some communities, for example, security guards are really controlling ingress and egress and not much else. Some perimeter walls can easily be scaled by anyone with nothing more than a stepstool. It's also important to remember that keeping people out of the community won't do anything at all if crimes are being committed by other residents or their guests.

Many boards in gated communities address these limitations by tightening up standing orders with the guards to require a daily log of all vehicles entering and exiting the premises, including information such as license plate numbers, driver identification and time of entry. Some communities plant a row of thorny plants along the perimeter walls to make hopping over them more difficult, if not impossible. Of course, as with any other vendor, there are varying levels of quality amongst the security companies out there, and a periodic assessment of the services being provided is in order.

What role, if any, should residents play in safeguarding themselves and their property?

Residents in gated communities should be required twice yearly to update their information at the guardhouse to remove any people on their automatic entry lists who should no longer be there. The same holds true for residents in high-rises with concierge service. Residents who will be holding high-volume parties or events in their homes or on the common areas should be required to discuss those events in advance with the board and/or manager to ensure that any additional necessary security measures are addressed.

Communities are well advised to encourage residents to take their own steps (in addition to measures provided by the association) to protect themselves and their property. These measures should include locking their vehicles and homes each night, trimming shrubbery in front of their homes and units, alarming their property and generally being aware of their surroundings. Residents who experience an incident should be encouraged to immediately contact the board and/or manager to allow the dissemination of necessary warnings throughout the various association communication channels.

Staying safe should be a partnership between the board and the association members, with security being examined at least once a year if no incidents have occurred to see what new technology and measures should be considered.

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