

Revised 8-08

Disaster Preparedness Guidelines

TAA is concerned about the safety of our members and their residents, and has provided some considerations below for your company in preparing for a disaster.

CHECKLISTS FOR HURRICANE AND OTHER DISASTER PREPARATION

For Everyone

- Your primary concern should be the safety and well-being of you and your family. With that in mind, obey all evacuation orders from local authorities.
- Following are some tips regarding electricity and electronic equipment (appliances, computers, radios, portable heaters/fans):
- Unplug everything from electrical outlets.
- When evacuating or leaving office or home, you should unplug everything from outlets. Brownouts (low power) really do wreak havoc on equipment, especially computers. Power surges, particularly after power goes out in an area or building and then comes back on all at once, usually destroys some equipment and /or starts fires when shorts occur.
- Unplug high-value electrical items. If you remain at home remember to unplug high value electrical items not on good surge protectors, so when power flashes back on, the surge of electricity does not destroy your equipment.
- Mixing water and electricity can result in a fire. Regardless of how high you are in a building, water damage can occur when a window breaks. When that water is combined with plugged in extension cords or appliances you run the risk of shorts, which can result in a fire. Move valuable equipment from window areas but again make sure the power cord is disconnected so when power comes back the combination of water and electricity don't create a problem, which could have been avoided.

For Residents

- Evacuate when the warning is given, if not before. If you are in an area where flooding is expected, get out. You don't want to be there when the water is lapping at the edge of your bed.
- Take your valuables and important papers. While your first priority is the safety of you and your family, it is wise to take those documents and materials that can help you after the storm has passed. Take your money and your important documents (drivers' license, insurance papers, etc.). If you have the means, take your other valuables - jewelry, small but highly-valuable equipment, etc.

- Know where you are going to go and inform friends, family and the property management. After the storm communication may be more difficult; the phones may be down and the power may be off. Decide ahead of time the location you intend to reach and let your loved ones know.
- Expect long traffic delays.
- If you decide to stay in a hotel or motel, try and make a reservation before you leave. Many hotels and motels will fill up quickly.
- If you can't stay with friends or family and no motel rooms are available, staying in a shelter may be your only option. Remember that shelters are not designed for comfort and do not usually accept pets.
- Clear off balconies, terraces and patios. Place rolled towels around the bottom of glass doors and windows.
- Close all blinds to avoid shattering glass. Do not tape windows.
- Fill bathroom tub with water. This water may be used for drinking should the water supply become interrupted or contaminated. It can also be poured into the toilet to induce flushing.
- Stock up on daily necessities like non-perishable foods, bottled water, first aid kits and a battery powered radio.
- Make sure your vehicle has a full tank of gas.
- Carry all important paperwork and personal identification with you.
- Make sure you have your renter's insurance information and, if possible, a complete inventory of your personal property.
- During the storm stay indoors.
- Use the telephone for emergencies only.
- Conserve refrigeration - don't open your refrigerator/freezer door unless you need to.
- After the hurricane beware of outdoor hazards like loose power lines.
- Walk or drive cautiously.
- Do not use tap water until authorities have notified you that water in the area is safe.
- Use extra caution to prevent fires.
- Notify your insurance carrier if you have losses and where you can be reached.

For Property Managers

- Your first concern is safety and well-being of yourself and your family. Make sure that you have a plan in place that will allow you to safely evacuate the area if that becomes required.
- It's good company policy to have a an emergency response plan in place, and if your company has established such a plan, follow it.
- If there isn't an emergency response plan for your company, there are some things you can do to bring some order to the chaos:
- Determine what you and your staff are going to do:
 - What will be done to secure your property and who will take on the various tasks?
 - Determine when you and your staff will evacuate the property and communicate that to your residents.

- Determine how you will reach your supervisor or the property owner, make sure that they know what's being done and that there is an established plan for communication and action after the storm.
- Communicate to residents how they should reach the property management staff after the hurricane.
- Secure your property. Stow chairs, umbrellas and other items that could be picked up in high winds.
- When it's time to leave, leave.

Property Manager Rights and Responsibilities During an Evacuation

In the event that a local authority (city or county official or law enforcement agency) requests a voluntary evacuation of citizens in an area that may be affected by a natural disaster, you should seriously consider complying with the evacuation request after checking with your supervisor or property owner. You do not, however, have the legal authority to force your residents to leave their apartments.

While you have no legal duty to notify residents about an evacuation request, you certainly may do so if you choose. TAA has prepared a sample notice for this purpose (online at www.taa.org/assets/PDF/Hurricane%20resources/notice%20to%20community%20residents%20about%20hurricane%20warning.pdf). You may also choose to compile information about disabled residents and communicate with those residents regarding their ability to evacuate.

In addition, you may choose to communicate with local emergency responders, such as law enforcement officials, fire and safety officers, or local health care authorities about residents with disabilities who may have difficulty evacuating.

You should follow company policies during the preparation for and reaction to a natural disaster. For example, if your company policy states that employees will be allowed to leave during a voluntary evacuation requested by local officials, then you must allow those employees to evacuate.

In the event of a mandatory evacuation ordered by any government official authorized to mandate an evacuation, you must comply with the order. As in a voluntary evacuation, you may not legally force your residents to leave their apartment. You may want to advise residents who choose to remain that the staff will be complying with the mandatory evacuation order. You may also choose to notify local authorities about residents whom you know have remained in their apartments despite the evacuation order.

If a law enforcement officer requests emergency access to an apartment to check on a resident who has defied the mandatory evacuation order, you should allow the officer to enter the apartment. You must allow all of your employees to evacuate once a mandatory evacuation order has been issued, and you should evacuate to a safe area for your own safety.

DISASTER PREPARATION/CRISIS PLANNING

In general:

- **All member companies should have a disaster plan that is reviewed and updated on a regular basis. If your company does not have a disaster plan, you should at least develop an outline that would address key considerations in the event of a disaster.** Below is more information about items that should be covered and the types of audiences that should be addressed in such a plan.
- **If your company has not already done so, you may want to identify a disaster team** which will be responsible for making key decisions or communicating in the event of a disaster.

Before disaster strikes:

- **Be aware of and comply with voluntary or mandatory evacuation orders from local authorities.** It's critical to stay informed. With hurricanes in particular, you do have time in many cases to prepare. Take advantage of that time as best you can. **If you have residents who refuse to leave in the event of a mandatory evacuation, you should notify the appropriate local authorities and provide as much information as you can about residents who have chosen to remain.**
- **In your company's disaster plan, be sure to address how you will communicate with your employees before, during and after a disaster.** You may want to determine a means for employees to check in with their supervisors or company headquarters and be aware that traditional communications channels could be down in impacted areas.
- **In your company's disaster plan, be sure to address how you will communicate with your residents before, during and after a disaster.** You will want to tell residents where to look for or find out information about the status of the property and, again, prepare residents for a potential loss of traditional communication channels. TAA has developed a sample notice (online at www.taa.org/assets/PDF/Hurricane%20resources/notice%20to%20community%20residents%20about%20hurricane%20warning.pdf). that properties can use to notify residents of important considerations in the event of a disaster.
- **Consider any other preparations that need to be made** onsite at properties or in your corporate headquarters. **Use the checklists above to assist in this process.**
- **Data protection and recovery is an important concern.** Your company should consider how it will protect or recover any data that could be impacted.
- **Review your company's insurance policies and make sure you have copies of important papers, as well as contact numbers** that you might need if a disaster hits.
- **Think about any special needs that might need to be addressed for residents or employees,** if applicable. Consider who your residents are and whether they need special assistance. For example, if your residents include elderly people or evacuees or others who don't have access to transportation, you will want to consider those folks in your disaster plans.

During and after a disaster:

- **Communicate as you can with key audiences.** Communications breakdowns and power outages are quite possible in the event of a disaster. Trying to plan in advance for those situations may help you better stay in touch if disaster strikes.
 - **Because damaged property and potential relocation of residents and employees is possible after a disaster,** your company should have a plan for dealing with these situations and have a team responsible for updating key audiences as developments arise.
-

PROPERTY MANAGEMENT ISSUES AFTER DISASTER STRIKES

Even if your property is undamaged, you may have many questions that arise after a disaster due to the number of people displaced by the disaster. The questions below address some of those concerns.

Preferential treatment for disaster victims

Is it a fair housing violation to allow greater occupancy levels or give preferential treatment (such as reduced rental rates or free rent) to disaster victims? No. You may allow disaster victims to live in your units for free or for reduced rent and still charge fair market rent to everyone else. You may also waive application fees, administrative fees, and charge lower security deposits for disaster victims.

Disaster victims living as guests of existing residents

If you decide to let disaster victims live in a unit as a guest of an existing resident for free or for minimal extra rent, what legal precautions should you take? You should ask the existing residents to sign a lease addendum so that all issues concerning the occupancy by the evacuees moving in with the resident are clear. TAA has prepared such an addendum and it is on TAA's website, www.taa.org, and is available in TAA *Forms for Windows*® and TAA *Forms Online*.

Price gouging is illegal!

What is price gouging? Section 17.46 of the Texas Deceptive Trade Practices - Consumer Protection Act provides that it is a false, misleading or deceptive act or practice to take advantage of a disaster declared by the Governor under Chapter 418, Government Code, by: (1) selling or leasing fuel, food, medicine or another necessity at an exorbitant or excessive price; or (2) demanding an exorbitant or excessive price in connection with the sale or lease of fuel, food, medicine or another necessity. While the statute does not precisely define what an "exorbitant or excessive price" may be, common sense dictates that an increase in rent immediately after a disaster is likely to be considered price gouging. To avoid any accusation of price gouging, disaster victims should be charged the same or lesser rent than was charged for a comparable lease term in a comparable unit before the disaster.

Even if you think you are simply following normal company pricing policies, you can be liable for price gouging if the rent you are charging goes up because of a disaster. For example, if you have a pricing sheet that increases the rent as occupancy levels increase, the price increase could be considered price gouging if the increase in occupancy levels is due to a disaster.

Another example of possible price gouging concerns how you handle rent concessions. You may have been offering rent concessions before a natural disaster, but after the disaster because of the higher occupancy rate in your property you may not plan to offer the same rent concessions to disaster evacuees. Because the effect of a rent concession is to lower the effective rate you were charging the existing residents, you may be accused of price gouging if you charge the same rent but don't offer the same concessions previously offered to residents before the disaster.

Amount of rent

May you lawfully charge a higher rent for a month-to-month rental than you charged immediately before the disaster for a long-term rental? Yes. Applicants who have previously been on long-term leases may not understand that month-to-month rental is generally more expensive, so you should be prepared to explain the market realities to the applicant. But a month-to-month rental for a disaster victim cannot be more than you would charge to a person who was not a disaster victim. However, TAA policy has been to urge companies to offer to charge disaster victims the same for a month-to-month lease as they would for a six-month or one-year lease.

Occupancy limits

How many adults may I allow to occupy a bedroom? Section 92.010 of the Texas Property Code requires you to limit the maximum number of adults that you may allow to occupy a dwelling to three times the number of bedrooms in the dwelling, unless the residents meet exceptions required by fair housing laws or a resident is seeking temporary sanctuary from family violence. "Bedroom" means an area of a dwelling intended as sleeping quarters. The term does not include a kitchen, dining room, bathroom, living room, utility room, or closet or storage area of a dwelling.

TAA is not aware of any local ordinances with stricter occupancy limits.