

OPINION

## What condo owners, developers can learn from the Surfside collapse

Overdue repairs on multifamily buildings are a recipe for disaster, writes construction risk management expert Don Neff.

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Names of the victims of the Champlain Towers South condo collapse are written on a screen surrounding the vacant lot where the 12-story building once stood in Surfside, Florida. *Joe Raedle via Getty Images*

*Construction risk management expert Don Neff is President of LJP Construction Services headquartered in Irvine, California, with regional offices in Miami, Atlanta and Las Vegas.*

*Opinions are the author's own.*

Saturday marked the two-year anniversary of the terrible tragedy of the collapse of the Champlain Towers South condominium building that killed 98 people in Surfside, Florida.

A variety of experts have weighed in on what caused the disaster, attributing it to beach erosion undermining structural support columns, questionable concrete design mixes during original construction, corrosion on the pool deck and deferred maintenance by the homeowner association. Other possible factors mentioned include land subsidence, insufficient reinforcing steel and corruption during construction.

The National Institute of Standards and Technology is investigating almost two dozen potential causes. It is likely that NIST officials will determine several factors happened simultaneously to cause the collapse.

What can we learn from this tragedy? To fully understand buildings' failures, we have to look beyond their construction and examine maintenance issues. Preventative maintenance procedures and practices are necessary to ensure the building longevity. Overdue repairs are a recipe for disaster.

### **A user-friendly manual**

For high-rise residential towers, general contractors close out their contracts with developers by providing an operations and maintenance manual. This is a final specification book with operational details of the various building systems and materials.

It's important to note that these manuals include technical information that may not be easily understood by the homeowner association's boards of directors. A more user-friendly version that outlines maintenance tasks, schedules and frequencies is useful to facilitate understanding and implementation of the maintenance program.

The practice of providing HOA maintenance manuals is common in California and other western states which have had 25 years of experience regarding construction defect litigation and proactive legislative reform measures codified in their state laws. SB800 is such an example. Florida and other eastern states can learn from normal California practices on this topic.

Strong language in the covenants, conditions and restrictions documents that require HOA boards of directors to implement maintenance and inspection protocols is also crucial to ensure critical maintenance and inspections are being conducted. A funding mechanism to cover the costs of maintenance and inspection protocols should also be required as part of the monthly dues paid by the homeowners.

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The importance of enabling language in the CC&Rs cannot be overstated because CC&Rs are rarely edited. Once the developer injects maintenance protocols into the project's organizational documents, the HOA board will not only face the maintenance requirement they will also have a road map to follow.

### **New codes**

In the event of a major catastrophe such as the Surfside collapse, building code updates are often insufficient to solve the problem, and legislative responses are required. Signed by the Florida Gov. Ron DeSantis last May, Senate Bill 4-D is a major new law that requires building inspections and recertifications on a regular cycle of years,

“requiring condominium associations and cooperative associations to have milestone inspections performed on certain buildings at specified times; authorizing local enforcement agencies to prescribe timelines and penalties relating to milestone inspections.

It also requires funding replacement reserves for building of a certain height and location relative to the coastline. Earlier this year, another piece of Florida legislation known as the “Glitch Bill” further refined SB 4-D requirements.

These legislative responses were necessary but are not sufficient. Required preventative maintenance protocols and regularly budgeted funding to implement the necessary maintenance is also needed.

As we recover from this tragedy and we’ve had two years to analyze the tower’s collapse, builders are already implementing new construction technologies and legislators are enacting new codes. It makes sense for multifamily construction professionals to learn more about these updated building codes and construction practices.

Our industry needs to live by the adage: “An ounce of prevention is worth a pound of cure.”



Don Neff

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