

Huntington Homeowners' Association

Legal Opinion on Fire Inspections

The following is the text of a letter received from the association's lawyer on the question of association responsibility for fire inspections.

From: "Ellen de Haan " Subject: Re: Huntington Homeowners Assn.
Date: Mon, 28 Feb 2005 10:08:20 -0500 Charset: macintosh

Dear Timothy:

My apologies for the delay in this response. Since it has been so long, there is no charge for my answer.

Question: The legal opinion that we seek is in regard to a fire department inspection that was made of the Huntington. We have now passed a fire department deadline for having an inspection done of fire extinguishers at the Huntington. Our problem is that these extinguishers are in private homes and not under our control, so we don't see how we can comply with this order. Nor is it clear that we any legal obligation.

We also will soon have to pay the city for the inspection, and again, we think that this fee is questionable.

ANSWER: You are absolutely correct that Huntington is a community of single family homes, and that the Association has no ability or authority to mandate what the owners do within their homes. Further, the Association does not have an automatic right of access to the individual dwellings, which poses some challenges if you want to get the Fire Department in to inspect the fire extinguishers.

Unfortunately, it has been my experience that the Fire Department inspectors take the position that the Association is liable for owner obligations regarding fire safety.

If the Association can give the Fire Department inspector access to the extinguishers, the Board can move ahead with the inspections, and pay the fee from the common funds, as "health, safety and welfare."

If you need me to talk to the Fire Marshall or the Inspector, please let me know.

Regards, Ellen

Ellen Hirsch de Haan, J.D. Becker & Poliakoff, P.A. 2401 West
Bay Drive, Suite 414 Largo, FL 33770-1941 (727) 559-0588 Fax:
(727) 581-4063 email: edehaan@becker-poliakoff.com