Balconies, Barbecues and Board Decisions

The rule is included every year in the notice to the membership – "No BBQs are allowed on the balconies". Despite this, and despite the California Fire Code prohibiting open-flame cooking devices on balconies or within 10 feet of combustible construction (unless there are fire sprinklers), it is common to see propane or even charcoal grills on condo patios and balconies.

After a recent fire in Northern California where an unattended propane grill caused an entire condo building to be destroyed and over 50 families displaced, we thought it a good time to share some reminders about property coverage when it comes to grills.

Most Insurance Companies require NO barbecues on balconies

HOA's send out those reminders each year and some even more often, but if those rules are broken and a fire starts because of a barbecue, the claim *could* be denied. It would be devastating if an entire building went up in flames and there was no property coverage because someone broke the rules.

Worse – the board could now be liable!

A written rule is most effective when it is enforced consistently and documented carefully. If an association is aware of recurring safety violations but does not address them, that may increase the risk of claims against the association, board, or management after a loss. Clear notices, a consistent enforcement process, and retained violation records help demonstrate that the association acted reasonably.

Some governing documents don't allow for subrogation

The man who left his grill unattended was actually arrested, but that doesn't mean that he will end up paying for all the damage he unintentionally caused. Even if there is insurance coverage, most CC&Rs state that the association cannot subrogate against members. That means the insurance carrier cannot go after him for repayment of all these expenses.

It is possible that owners sue this person, but it would likely take years in court. Even if there is some sort of settlement or award, will one person be able to pay 50 families for their losses?

The takeaway

It might be time for the "fun police" to step up and begin enforcing what has been a requirement for many years. Create a designated grilling space in a common area, away from the buildings. Explain the "why" behind the rule, and specifics on what types of grills are allowed (electric), possibly allowed (pellet smokers) and not allowed (open flame, including Blackstone-type flattops). Rules should be based not only on your community but also local fire ordinances.

Clear communication is essential for safety rules and regulations. Document all related communication, including violation notices, to help keep the board of directors and the association in a defensible position if the worst happens.

Terri Guest, CIRMS, CMCA ***(800) 482-4467 x 1029*** ***Terri@PrendivilleAgency.com***