



CELEBRATING
55 YEARS

nerej

Premises liability 101 for owners and managers

September 11, 2008 - Spotlights

Premises liability refers to negligence for an accident or injury that occurs on a property owned or managed by others. Both residential and commercial property owners and managers have the duty to maintain their premises in a safe condition and, when the general public (tenants, guests, visitors or contractors) sustain an injury while on the premises due to an unsafe condition or hazard, owners and managers may be held liable.

Negligence is not assigned solely because an injury occurred on your property. In fact, an injured party must prove the owner or property manager created, had knowledge of, or should have known about the hazard or condition that caused the injury. It is sufficient if the injured party can show the hazard existed long enough for the owner or property manager to have discovered and corrected the condition through periodic inspections or maintenance of the premises. If a hazard cannot be eliminated, the owner has a duty to warn anyone who might be exposed to the hazard.

Premises claims may arise from numerous conditions including:

- * Slippery or dangerous parking lots or walkways
- * Inadequate lighting
- * Missing handrails or stair treads
- * Defects on walkways such as cracked curbs or sidewalks
- * Inadequate security
- * Swimming pool accidents
- * Elevator accidents
- * Balcony and deck defects
- * Dog bites

Conducting routine site inspections and following up with the appropriate corrective actions is the most effective way to help reduce the frequency and severity of premises liability claims.

Lisa Hartman, ARM is a senior consultant at Albert Risk Management Consultants in Needham, Mass.

New England Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540