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## **Snow and Ice—It's That Time Again**

In these hazy days of summer, it's hard to believe that winter is just around the corner, but before you know it, we'll be contending with snow, ice, and the general hazards of the season. Community associations must be prepared for inclement weather and have a snow removal plan in place. Because three out of five premises-related claims will be "slip and fall" accidents during the winter months, snow removal operations should be performed properly and thoroughly, on a timely basis. Below are some tips to help you prepare.

### **What's the First Step?**

Every community association should have an effective snow removal program, combined with detailed record keeping of removal activities. An effective snow removal plan should include a list of primary areas to be cleared and sufficient resource allocation. The priority is to get people into and out of the building safely, during both routine activities and emergencies. Therefore, priority areas to be cleared include entrances nearest to parking lots, fire exits, and fire suppression system components, such as hydrants, fire department connections, and post-indicator valves. A reasonable timeframe should be established for removing snow from these routes, and routes that are not cleared should be closed.

### **How Do I Keep Track of Snow Removal?**

Snow removal activities must be documented in detail. Bodily injury claims resulting from slip and fall accidents during winter are often not reported for several months and allege that the premises were not properly maintained. To assist managers in maintaining accurate snow/ice removal records, we strongly recommend using the enclosed Snow Removal Chart. Every incident, including complaints from residents and accidents, should be documented under the "General Comments" section of the Chart.

### **What If We Use an Independent Contractor?**

It is essential that the association have a Certificate of Insurance on file indicating that the contractor has appropriate automobile, general liability, and workers compensation insurance coverage. The association should also ask the contractor for a loss run for the current policy term to show that aggregate limits are not in jeopardy of being exhausted.

The contract should include a "hold harmless agreement," with indemnification and defense clauses, which protects your association's interests against allegations that the contractor failed to properly provide snow/ice removal services. We also suggest that you require independent contractors to complete the enclosed Snow Removal Chart for review by the manager.

## What Should I Do If There Is an Incident?

Claims must be reported to your association's insurance agent and/or company immediately. Prompt reporting and investigation are vital to the mitigation of damages and proper disposition of premises accidents. Often, an injured person will pursue a claim because of the poor manner in which he was initially treated, or because the claim was reported late and no effort was made to provide proper attention. Courteous treatment throughout can result in much smaller claims. Managers should listen to anyone who has fallen, indicate concern (but make no promises), and obtain prompt medical attention for such individuals.

## Questions or Concerns?

If you need some answers, please call Steve Dickerson at Morgan & Cheves, Inc. (703-739-2346) or your Association attorney.