

Liability Checklist

Steps You Can Take Now to Protect Your Residents and Yourself

On September 24, 1991 the Arizona Court of Appeals in *Van Camp v. ICG Management* surprised the multihousing industry with their finding that property owners may be liable for failing to provide "reasonable safety precautions" for residents and their children. Attorneys who represent landlords, like myself, are still determining how we will advise our clients. Until we are certain what the impact of this case will be on landlord/resident relations and the apartment industry, I urge you to take these steps to protect your residents and therefore yourselves.

Immediately

Steps you can take right now to begin protecting yourself are mostly procedural changes and common sense. These steps should be taken within the next sixty days.

1. Review your liability coverage.

Review your policies with your insurance agent and possibly your attorney to ensure that your liability insurance has ample coverage. Make sure that your insurance agent is aware of the high-dollar judgments in other states like Texas that were granted in inadequate security cases against property owners and landlords.

2. Do an immediate comprehensive liability survey of each property.

Design or purchase a comprehensive checklist of security and safety considerations. This checklist should include the entire property: common areas, parking lots, entrances and exits, hallways, individual apartments, locking systems, alarm systems, lighting and areas that are adjacent to your property which might pose a "foreseeable danger." When you finish with your checklist you should have a list of things to repair, to add and to remove from the property.

3. Listen to residents who complain about feeling "unsafe" or "at risk."

If residents tell you it's too dark in the parking lot, their door locks are broken, or their windows are inoperable, take note and take action on all reasonable requests.

4. Add to your weekly routine property checks.

Add security-type checks to your checklist on weekly routine maintenance. Stress the importance of checking windows and doors of vacant apartments.

5. Set up a master key ledger.

Begin keeping very close track of master keys: who has them, who has used them, how they're loaned out, how they're protected from duplication, and how they're kept. Make certain that master keys and their duplicates fall under your tightest security measures.

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Begin Changing

Over the next three or four months, begin upgrading certain policies, procedures and management practices to increase proper safeguards and decrease your potential liability.

1. Security lighting.

Provide security lighting in all common areas, parking lots and exits and entrances. Consider providing residents inside light timers at their cost.

2. Parking spaces.

Change numbering systems that correspond precisely to apartment numbers. Provide a separate numbering scheme so resident's cars or apartment cannot be matched.

3. Key procedures.

Alter any key procedures that allow residents to open their own apartments with master keys and return them. Change the way master keys are placed on key rings. Stamp all master keys with "do not duplicate" warnings.

4. Update leases.

With your attorney, go over all wording of leases and add specific security-related statements.

5. Move-in inventories.

Provide all new residents with move-in inventories. Make sure they sign it and return it. Consider withholding something (like a mailbox key) until the form is returned. This move-in inventory should include conditions of security items like windows, door locks, and proximity lighting in common areas.

6. Lock upgrades.

Consider upgrading all locks to deadbolts with stronger striker plates. Consider replacing screws in the doorjamb with screws that are longer and reach into the 2x4 studs inside the jamb. Consider installing chain latches, thumb latches or other night security latches operated from the interior without keys. Consider adding peepholes at each apartment door. Set up procedures for periodic -checks of locks and latches and procedures to repair locks and latches immediately. They should be the highest priority for repair.

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7. Written repair requests/work orders.

Resident requests for repair, particularly those that relate to security items, should all be in writing. Work orders that show fulfillment of these requests should also be in writing and kept in the file.

8. Upgrade record-keeping system.

A number of record keeping liability measures have been mentioned. These have included master key ledgers, written repair requests and corresponding work orders, but you should also begin keeping files on residents for two years after they move out. Do not allow identification of residents in master lists posted at the properties, but instead, keep lists in the office and train personnel to use the utmost discretion in revealing where residents live.

9. Mailboxes.

Resident names must be on all mailboxes but most mail carriers are satisfied if you place these names *inside* the boxes so they can be viewed by the letter carrier once the boxes are opened. Start replacing outside mailbox identification with inside information.

10. Upgrade resident rules & information.

Add security-related information to the resident information packet including information about regular inspections of locks and windows, reporting repair needs and suggestions on how individuals can deal with solutions like obscene phone-calls something property owners and landlords are *not* responsible for.

While concentrating on security-related liability policies and procedures, don't forget the obvious other safety precautions like pool safety, slippery sidewalks and other hazards. Swimming pool drownings remain a serious area of potential exposure for Arizona property owners and landlords.

Adopting all these suggestions will take time but they can help improve your level of responsibility, your record of safety and security awareness and action. Certainly you can't do all these things overnight, but remember that the law requires that you exercise "reasonable care" and take "reasonable safety precautions."

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