



### **Logs and Checklists**

*Background: Doing a conscientious job of maintaining your property may not be enough to prevent liability claims, especially in winter weather. Proving that you have a process to keep conditions safe is just as important.*

For many years, public entities have relied on the immunities provided in New Jersey's Title 59. In order to establish liability of a public entity, it was required that:

- A dangerous condition *existed*, it was the *proximate cause* of the accident, and the accident was *foreseeable*.
- A public employee either created the dangerous condition, or the public entity had actual or constructive notice of it before the accident occurred
- The public entity must have had sufficient time to protect or correct the condition and any action or inaction on their part had to be "palpably unreasonable conduct."

Reports from the NJPHA-JIF claims administrator suggest that the courts are taking an increasingly more stringent view of Public Housing Authorities, equating them more to the responsibilities of a landlord than a municipality. To combat this trend, it is imperative not only to act diligently, but also to take credit for what you do!

How often do your maintenance supervisors or property manager routinely walk through your premises? Daily? Hourly? That's a great thing to identify hazards and verify conditions, but can you prove they do it, and that there are items they have been trained to look for?

Following the example of those in the hospitality industry, a simple log or checklist, containing a date and time the area was patrolled can help establish your due diligence. A simple routine checklist should be customized to your premises, but should include the condition of:

- Sidewalks
- Stairways
- Emergency Lights
- Exit Accessibility

The log should be dated and signed by the person making the rounds. Hazards or conditions identified should be noted, as should corrective actions.

In winter and inclement weather, the process should be intensified. Remember that areas prone to refreezing should be checked more frequently. Archive video surveillance of parking lots and sidewalks for year if possible, to assure that the documents are available within the Title 59 reporting period. Use camera phones to document conditions with a date and time.

Make sure that outside contractors have clear direction on when they are to report, and the scope to work to be performed. Document their arrival on scene in a similar fashion, and verify that work has been done to your satisfaction before they leave.

If you have questions, please contact your Risk Management Consultant, or Jim Rhoads, NJPHA-JIF Safety Director, 610-937-2694, or e-mail [james\\_rhoads@pmagroup.com](mailto:james_rhoads@pmagroup.com)

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