

Incident Prevention and Response Hits Close to Home

By ensuring preventive measures are in place, operators can help eliminate or reduce potential incidents that occur on-site, according to Amanda Podlucky of Marshall Dennehey Warner Coleman & Goggin.

Multihousingnews.com

May 19, 2021

Amanda J. Podlucky, Esq.

After more than a year of lockdowns and quarantining at home, many people continue to choose staying at or close to home, rather than going out.

For individuals living at multifamily properties, this means that residents are spending more time in their individual units, and as common areas and amenities begin to open back up, they are utilizing these more as well.

With residents and their guests spending more time onsite, it is becoming increasingly important to ensure that the property is being maintained; that work orders and maintenance requests are timely completed; and that safety and security policies are being followed.

Along with the increased number of people onsite, the potential for claims and injuries also increases.

PREVENTING INCIDENTS

There are several preventive actions that can be taken to help avoid incidents and injuries at multifamily properties. Owners and managers should take the time to refresh employees on applicable safety policies and procedures. If the policies mandate routine

daily or weekly inspections, ensure that a manager, maintenance supervisor or security guard is completing the inspections.

It is also important to document these inspections if policies require such documentation. If not, the employees responsible for completing any inspections should understand the protocol as to when inspections should be done, what they should look for and what should be done if a potential safety or security issue is identified.

Proper documentation is critical; if you identify a problem, it should be documented through resolution. Similarly, if reports or forms are completed during routine inspections, they should be preserved and kept onsite for at least four to five years, commensurate with the statute of limitations in your state.

Property managers and supervisors should also be certain that work orders and service requests in both individual units and common areas are well documented and completed in a timely manner. Equally as important, if the property is in need of updates or routine maintenance, there is no better time than now to complete it.

Tasks such as cleaning or pressure washing walkways, ensuring that the security gates are properly working, or making sure that on-site amenities such as grills or gym equipment are in good working condition, will go a long way to prevent otherwise avoidable safety and security issues.

If you utilize vendors for landscaping or cleaning services, confirm that they are also familiar with and following property protocol, and are not creating dangerous conditions. Leaving behind debris or failing to place an adequate warning sign may cause additional hazards to residents.

Frequent communication with residents may also help ensure that onsite staff is aware of any issues. Engaging in casual conversations and developing a rapport with residents will help employees keep their finger on the pulse of the property and develop a plan to address otherwise unforeseen issues.

If safety or security issues warrant law enforcement intervention, utilize local resources as they are available to help your residents feel safe. If residents view the property's staff as accessible and relatable, they may be more willing to address concerns before a situation or condition worsens.

INCIDENT RESPONSE

Even with the best preventive practices in place, accidents can occur, and when they do, proper investigation and response are absolutely critical. Accidents are not indicative of negligence or fault, and early identification of any issues will allow for an early evaluation of potential risk.

If a resident or guest is harmed while on the property, that individual may immediately begin medical treatment and retain a lawyer,

sometimes even before the property is aware that an incident occurred. If the incident occurred after hours, or even within a resident's individual unit, the property may have no way of knowing what occurred.

There may even be a delay in reporting the incident, and the smallest of delays can inhibit the property owners or managers from gathering adequate information needed to fully assess the situation.

To gather the proper information, the following should be done as quickly as possible:

- Obtain photographs and video footage of the area or condition at issue. If the condition is still present, document the area as best as you can. If there is surveillance video, preserve the video footage before it is lost.
- Obtain statements from onsite employees and/or witnesses. Be sure to include as many details as possible and to obtain phone numbers and/or e-mail addresses in the event they will need to be located in the future. Obtaining this contact information is important, as physical addresses are more likely to change over time.
- Maintain copies of all reports. Complete a thorough incident report, including as much information as possible, being sure to supplement the report over time as additional information becomes known. If third-party vendors or law enforcement agencies are involved, secure copies of any additional reports prepared.
- Gather any work orders, vendor invoices and contracts, inspection reports and

other records kept in the routine course of business, which pertains to the area or incident at issue. If, for example, someone slips on a walkway that was recently painted using an anti-skid product, having documentation of who performed the painting, the product that was used, and the date of completion could prove invaluable in the future. These documents are often misplaced or discarded over time or are stored in several different places with several different records custodians. The inability to track down the information and materials months, or even years, later could put the property at a significant disadvantage.

Once all available information and evidence is gathered, create a physical or electronic file to keep everything together and in one place. With the passage of time and in the event of changes in personnel, this will allow multi-family property owners and managers to help their claims professionals and attorneys

provide the best defense possible should a formal claim or lawsuit arise.

Similarly, by identifying unfavorable issues and factors early on, an early investigation will help mitigate subsequent risk and exposure if a situation can be resolved early.

By ensuring that adequate preventative measures are in place, multifamily properties can help eliminate or reduce potential incidents that occur on-site, particularly as residents are home more often.

If presented with the occurrence of an incident, having an arsenal of reactive tools can put property owners and managers in the best position to develop and manage a responsive plan of action.



Amanda J. Podlucky is a shareholder & co-chair of the premises and retail liability practice group in the Orlando office of Marshall Dennehey Warner Coleman & Goggin. She may be reached at (407) 420-4396 or ajpodlucky@mdwccg.com.