Sidewalk Liability for Community Associations

Cracked or broken sidewalks are one of the leading causes of liability claims for property managers and owners. Trip-and-fall claims are becoming more and more common, leading to insurance premiums that increase by 50%, 100%, and even more. Any kind of broken or raised pavement can easily lead to claims with adverse liability for the community association. Sidewalk repair is the top loss recommendation that we see from insurance carriers. In fact, we have seen carriers issue non-renewals when sidewalk defects are not properly addressed.

TOP SIDEWALK ISSUES INCLUDE

Cracks

- One or more cracked sidewalk flags, including those with any pieces of the flags that are loosened or could be readily removed.

Unleveled Sidewalks

- Adjacent sidewalk flags with a vertical height difference of 1/2" or more.
- Horizontal surface defects that are 1/2" or greater in depth.

Tree Wells

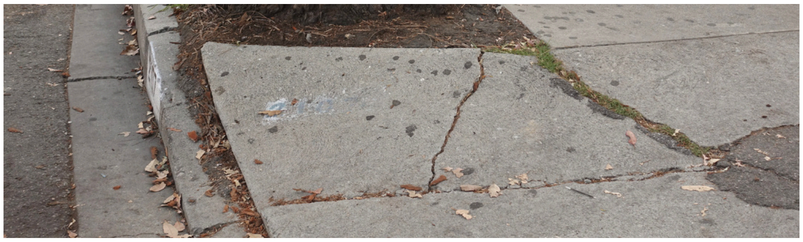
- Cracked or uneven sidewalk flags due to tree roots.

Hardware Defects

- Utility caps, grating, access hatches, manhole covers, or cellar doors that are not flush within 1/2" of the sidewalk surface.

Patchwork

- Patchwork that is partially or wholly constructed with asphalt or other listed concrete materials not approved for permanent sidewalk repairs under DOT specifications.



AVOIDING SIDEWALK CLAIMS

The most effective method for mitigating sidewalk defect claims is to take proactive measures to prevent trips and falls. This includes periodic inspection of all walking surfaces on and around your property.

Pavement can easily become damaged over the winter months due to cold temperatures and snow removal, and associations see increased activity once the weather gets warm again, so it's important to be mindful of your sidewalks year-round.

If you find any sidewalk issues, it is critical to partner with an insured, licensed contractor to take care of them as soon as possible. Hiring an uninsured or underinsured contractor can lead to costly claims against your association.

Mackoul is proud to provide our clients with a complimentary review of the insurance policies held by any contractors the association is looking to hire. Reach out to us to learn more.