

AVOIDING PREMISE SECURITY LIABILITY

By Jon Sharp | Hardenbergh Insurance Group

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Security can be a scary prospect for property managers. While you want to provide your tenants with a safe location to live or work, the level of security you need to provide is not always clear-cut, and if it is lacking could potentially make you liable for damages in the event of a crime. Whether you deal in commercial or residential rentals, premise security claims are on the rise and it is important to do everything you can now to avoid costly litigation in the future.



Increasingly, tenants are looking to receive compensation from their property managers after they fall victim to a crime on leased property, and more and more often courts are ruling in favor of the tenants. While property managers are not responsible for the damages caused by every criminal act, they do have a duty to provide tenants and their guests or customers with reasonable measures of security. When managers fail to do this, they can potentially be held liable for some or all of the damages.

Providing Security

Providing reasonable security measures does not mean that you have to guarantee your tenants 100 percent protection from criminal activity. Even the most elaborate security systems can be beaten by criminals who are properly motivated. The simplest way to avoid liability is to reduce opportunity by eliminating conditions that attracted criminals. Some of the best security features are those that deter criminals from ever attempting to commit a crime. In the event of a premise security claim, it is important to be able to show the court that you have taken the proper steps to eliminate any security concerns that could encourage criminal activity around your property.

Deter Criminal Activity

Consider the following measures as you try to increase security:

- **Lighting:** It may seem simple but lighting can have a big impact on site security, as criminals prefer to target places where their actions can be easily concealed by darkness. Make sure entrance ways, walking paths and parking lots are adequately lit.
- **Locks:** Both commercial and residential tenants need a way to properly secure their own spaces. In residential properties, keyed entry should be in place for common areas as well as individual units. Laundry rooms, exercise facilities and lobbies or entrance ways should have automatic locks that prevent unauthorized access.

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Deter Criminal Activity (Continued)

After locks are installed, they must be checked regularly to make sure they stay in working order. Also, keep an eye on the condition of doors. If they fall into disrepair, their effectiveness as a method of protection will be weakened.

- **Landscaping:** A well-landscaped property can be an attractive selling point, and if done properly can also improve security. A well-maintained property gives the impression that the premise is under the supervision of attentive management, so show your presence by keeping the grounds well groomed. Additionally, an overgrowth of bushes or trees can create blind spots to conceal criminal activity. When choosing plants to be placed around windows and doors, pick ones that will remain relatively short, and trim them regularly.
- **Security cameras or on-site security personnel:** The decision to employ security guards or install security cameras depends on each individual situation. Often times, such measures are not needed to provide the reasonable amount of security required of property managers, but they can be beneficial in situations where a specific security concern may need extra attention. If the property is located in a high-crime area, security cameras or on-site personnel may be necessary.

Set Expectations

Security can be a big concern for prospective tenants, and the security features of a property can be the incentive needed to close a deal. It should be noted that you should never promise more security than you can actually provide. If you make an exaggerated claim about the security features of a premise, you raise the standard of security a tenant can reasonably expect, even though you are not actually making the property any safer. If a crime were to occur, you would be at an increased risk for legal action. Consult with the experts at Hardenbergh Insurance Group for more security strategies.

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