

## Vacant and Unoccupied Buildings

A vacant building is one which has had all of its furnishings removed and is never occupied, with no firm plan of use in the foreseeable future. An unoccupied building has some or all of its furnishings, is not being used or occupied currently, but is intended to be used in the near future.

It usually does not take very long for people who live nearby to realize the building's status and decide to see what may be inside. Many times these visitors may be curious children, with no motive for doing damage. And that is why these buildings can be referred to as an 'attractive nuisance'. Under most common law, it is the duty of the property owner to completely secure the premises in order to prevent a child from entering and possibly be injured. If the property owner has not done his duty, then that owner can be held liable for any injuries sustained by the child.

Beyond the issue of liability, the building itself should be secured to prevent physical damage from vandalism or criminal mischief. Your insurance company must be advised of the building's status. Controls should be in place to restrict access, control damage, reduce exposure and improve security. The following controls are recommended:

- Entrance controls such as door locks, window locks and padlocks should be in place to restrict access. The locking mechanisms should be tested on a regular basis.
- Windows on the first floor should be boarded-up to restrict unauthorized entry. Additionally, exterior doors away from the sight-line from the street should be similarly boarded-up.
- Any fire escape leading from the upper floors of a building should have its access stairs or ladder to the ground level removed.
- Any playground equipment or basketball hoops should be removed to reduce the 'attractive nuisance'.
- Utilities - for vacant buildings, water, heat and electrical service should be discontinued, with all water pipes drained. If the building had a fire sprinkler/alarm system, the local fire department and your insurer must be notified of the status; for unoccupied buildings, utilities must remain in service, which will require maintaining all utilities year-round and at least daily walkthrough inspections during the winter heating season.
- Grounds - grass, trees and bushes should be kept trimmed to keep clear lines of sight; trash and debris should be removed regularly to maintain site esthetics and control insects and rodents.
- Routinely documented in-house inspections should be conducted. Any discrepancies noted should be corrected ASAP, with details (date, person performing the repair, and materials used) documented.

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