

Fact Sheet

Sidewalk Snow And Ice Removal Liability

H.1987 An Act Relative to Snow and Ice Removal

The problem

- Massachusetts authorizes cities and towns to require property owners or occupants to remove snow and ice from sidewalks. Ch. 85, Section 5.
- Some cities and towns have local ordinances that require removal of snow and ice from sidewalks on their properties.
- Those removing snow are potentially liable if shoveling leads to accidental injuries.
- By contrast, residents, landlords and tenants are not liable for injuries caused by the untouched natural accumulation of snow and ice on their property.

Need for legislation in Massachusetts

- The state should encourage the removal of ice and snow from sidewalks.
- The state should support communities that require snow and ice removal.
- State residents who shovel snow and ice from their property should not be liable for accidental injuries unless their behavior constitutes gross negligence.

Bill summary

- Removes liability for accidental injuries resulting from shoveling snow and ice (in communities that require sidewalk shoveling) unless the actions constitutes gross negligence.

Other States

Similar Illinois legislation already exists: 745 ILCS 75/0.01, 75/1 and 75/2

- Sec. 1. The public policy of the state is that owners and other residents be encouraged to clean the sidewalks abutting their residences of snow and ice. The General Assembly, therefore, determines that it is undesirable for any person to be found liable for damages due to his or her efforts in the removal or snow or ice from such sidewalks, except for acts which amount to clear wrongdoing.
- Sec. 2. Any owner, lessor, occupant or other person in charge of any residential property, or any agent of or other person engaged by any such party, who removes or attempts to remove snow or ice from sidewalks abutting the property shall not be liable for any personal injuries allegedly caused by the snowy or icy condition of the sidewalk resulting from his or her acts or omissions unless the alleged misconduct was willful or wanton.

H.1987: Bill as currently filed:

AN ACT RELATIVE TO SNOW AND ICE REMOVAL.

Chapter 85 is hereby amended by inserting after Section 5 the following sections:

SECTION 5A. The general court determines that it is undesirable for any person to be found liable for damages due to his or her efforts in the removal of snow or ice from such sidewalks, except for acts which amount to clear wrongdoing, as described in Chapter 85, Section 5B.

SECTION 5B. Any owner, lessor, occupant or other person in charge of any residential property, or any agent of or other person engaged by any such party, who removes or attempts to remove snow or ice from sidewalks abutting the property shall not be liable for any personal injuries allegedly caused by the snowy or icy condition of the sidewalk resulting from his or her acts or omissions unless the alleged misconduct was gross negligence.

H.1987: Proposed revised language (changes are underlined or struck out):

Chapter 85 is hereby amended by inserting after Section 5 the following sections:

Section 5A: The general court determines that it is desirable for cities and towns to enact ordinances or bylaws requiring abutters to remove snow or ice from sidewalks and that it is undesirable for any person to be found liable for damages due to his or her efforts in the removal of snow or ice from such sidewalks pursuant to such an ordinance or bylaw, except for acts which amount to clear wrongdoing, as described in Chapter 85, Section 5B.

Section 5B: Any ~~owner, lessor, occupant or other person in charge of any residential property~~ person who is required by any such ordinance or bylaw to remove snow or ice from sidewalks, or any agent of or other person engaged by any such ~~party~~ person, who removes or attempts to remove snow or ice from sidewalks abutting the property shall not be liable for any personal injuries allegedly caused by the snowy or icy condition of the sidewalk resulting from his or her acts or omissions unless the alleged misconduct was gross negligence.