Managing Facility Risks

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Whether you rent or own:

■ Your nonprofit is responsible for:
  • inspection, maintenance and repair of facilities

■ Why?
  • to prevent property damage and accidents or injury to clients, staff, visitors and vendors.

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What are the Risks?

- Possibilities include buildings and grounds.
- Kinds of risks depend on:
  - kind of equipment, function and special uses related to the facility, as well as local and state codes and state and federal legislation.

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What approach is called for?

- Designate a “point person” or committee
  - responsible for monitoring safety, maintenance and repair
- Consider using checklists to:
  - streamline the process
  - ensure consistency in monitoring
- Remember other resources:
  - manufacturer’s recommendations
  - legal requirements
  - safety Web sites,
  - historical claims data
  - your own experience

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Special purpose facilities pose special facility risks

- Nonprofit examples:
  - day care centers, group homes, playgrounds, camps and open bodies of water
- What’s needed?
  - Facility specific tools
  - Heightened awareness
  - Careful compliance to meet codes/regulations specific to these facilities

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Step 1
Select a Mission-Appropriate Facility

- who receives services
  - Service recipients demand different levels of protection depending on their age, mental ability, physical ability, skill level and the types of activities in which they will be engaged.
- what kinds of programs you offer

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Facilities serving children

Concerns might include:
- Traffic (street traffic and people traffic)
- Toxic substances and other hazards (e.g. electrical outlets)
- Unsecured large, heavy furniture that can topple onto them
- Loose floor coverings, open windows and doors
- Appropriate bathroom stalls with low partitions, doors that don’t lock from the inside and equipment proportioned to meet their heights

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Facilities serving children

- Inside:
  - Locked closet or room to store cleaning supplies and equipment.
  - Windows with grills that can be unlocked if needed to provide an escape route; restrict the window from opening more than 2-3 inches so a child can’t fall through the opening.

- Outdoors:
  - fences with gates that latch,
  - Play areas free from cracked pavement, hard surfaces, debris, trash and sharp edges.
  - Spaces that allow supervision of the child-child and adult-child interaction.

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Facilities serving children

- Wide-open interior and exterior spaces so that children and adults are always in view of another adult.
- Ability to separate children by age groupings to protect the younger ones from the older ones who are more advanced physically and mentally.

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SAMPLE Facility Needs Checklist

Service Recipients
Who will be served in your facility? What facility-related issues must be considered?
- Infants
- Toddlers
- Teens
- Adults
- Seniors
- Persons with disabilities

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Facility Needs Checklist

Activities
List each activity that will be conducted at the facility.

_____________________
_____________________
_____________________

What facility-related issues must be considered?
_____________________
_____________________
_____________________

Step 2
Know Your Responsibilities

■ Owner
- Duties are broader than lessee
- Responsibilities include:
  - Soundness of facility, meeting code requirements, making repairs to facility and equipment, providing security
  - General duty of care to visitors
    - Ordinary care to maintain premises in reasonably safety condition for invitees

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Renting Space

- Renter or Borrower
  - Potential liability for injuries/accidents that occur within rented space
  - Some, but not all, damages to space rented

- Occasional use
  - A written agreement is sound risk management

Renting and Borrowing Space

- Property borrowed for a fee or free is considered rented

- Rental agreements
  - Protect BOTH parties
  - Should establish duties and responsibilities of both parties
  - Should be reviewed by the nonprofit’s attorney, before signing

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Rental Agreements – What should be covered?
- Maintenance and Upkeep
- Indemnification Clause
- Instructions on Use of Property and Facilities
- Limits on Accessible Areas
- Potential Hazards
- Delegation of Supervision
- Alcohol Consumption

Guidelines for Establishing Rental/Lease Policy
- Outside groups should be allowed to use your facilities only when:
  - the facilities are not being used by service recipients
  - proper care is assured
  - staff supervision is available
  - behavior can be controlled and discipline exerted
  - adequate liability is assured
  - satisfactory information consistent with the philosophy of your organization and the needs of the community is provided by the applying group

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Guidelines for Establishing a Rental/Lease Policy
Consider:
- A step-by-step method for processing each request.
- Staffing needs/requirements
- Inspection (check before and after use by outside groups)
- Equipment needs
- Your safety rules and requirements

Step 3
Meet Codes/Requirements
- The Regulation Pyramid
  - Codes never get less stringent as you move down the pyramid (from federal to regional to state to local codes)
- Toxic building materials
  - Replace or eliminate
- Accessibility
Accessibility

■ Places of public accommodation
  • “Private clubs and religious organizations are exempt from the ADA’s Title III requirements for public accommodations.”
    ※ Source: www.eeoc.gov/facts/adaqa2.html
■ What’s required?
  • Compliance with requirements for new and altered buildings and removals of barriers in existing buildings, where possible without much difficulty or expense

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Accessibility Questions

■ Are walkways wide, slip-resistant and free of debris?
■ Are parking spaces at least 96 inches wide?
■ Are there inclined ramps instead of or as well as stairs?
■ Are floors non-slippery?
■ Are turnaround spaces in restrooms and elevators at least 51 inches wide?
■ Are doors at least 32 inches wide?
■ Are door handles and light switches within reach and easily operated?
■ Are bathrooms, ramps and stairs equipped with handrails?

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ADA Quick Review

For a quick review of the finer points of ADA compliance, logon to American School and Hospital Maintenance Magazine (www.facilitymanagement.com)
- click on Articles and select “Fine-tuning Your ADA Knowledge.”