



Managing Facility Risks

Melanie L. Herman
Executive Director
Nonprofit Risk Management Center
Melanie@nonprofitrisk.org

August 1, 2007
2:00 – 3:00 pm EST



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(www.riskinstitute.org)



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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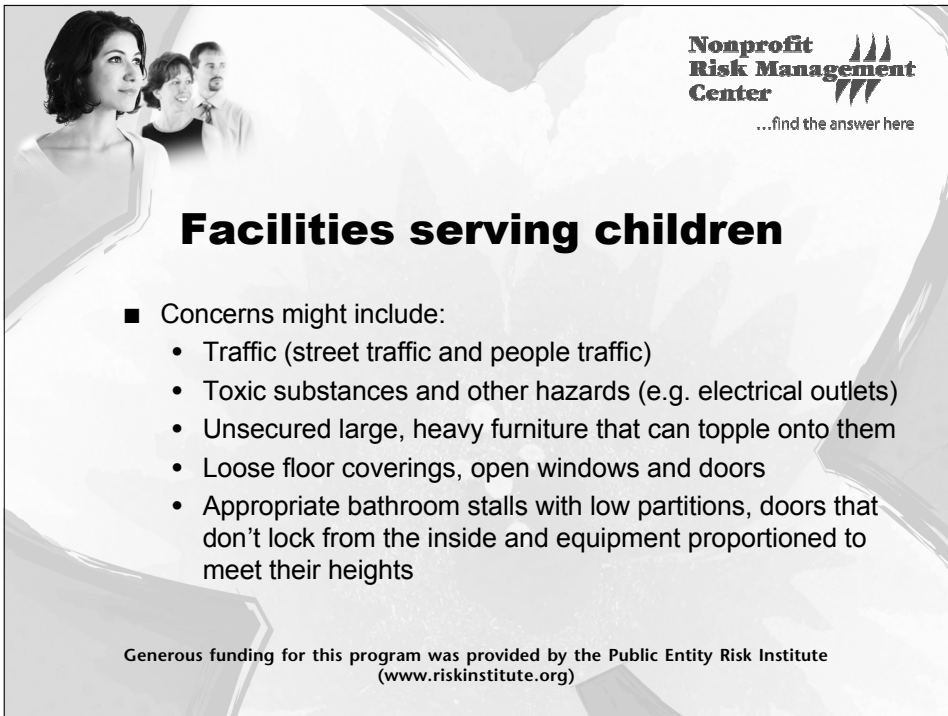

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Step 1

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

<i>Service Recipients</i> Who will be served in your facility?	What facility-related issues must be considered?
ρ Infants	
ρ Toddlers	
ρ Teens	
ρ Adults	
ρ Seniors	
ρ 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?

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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

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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



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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

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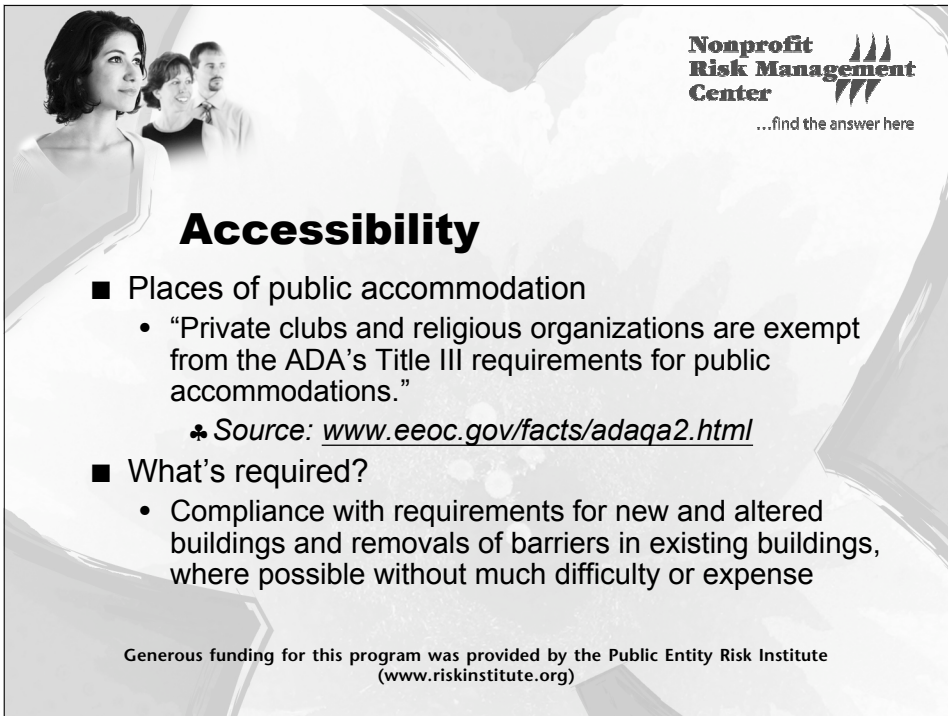

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Step 3

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**

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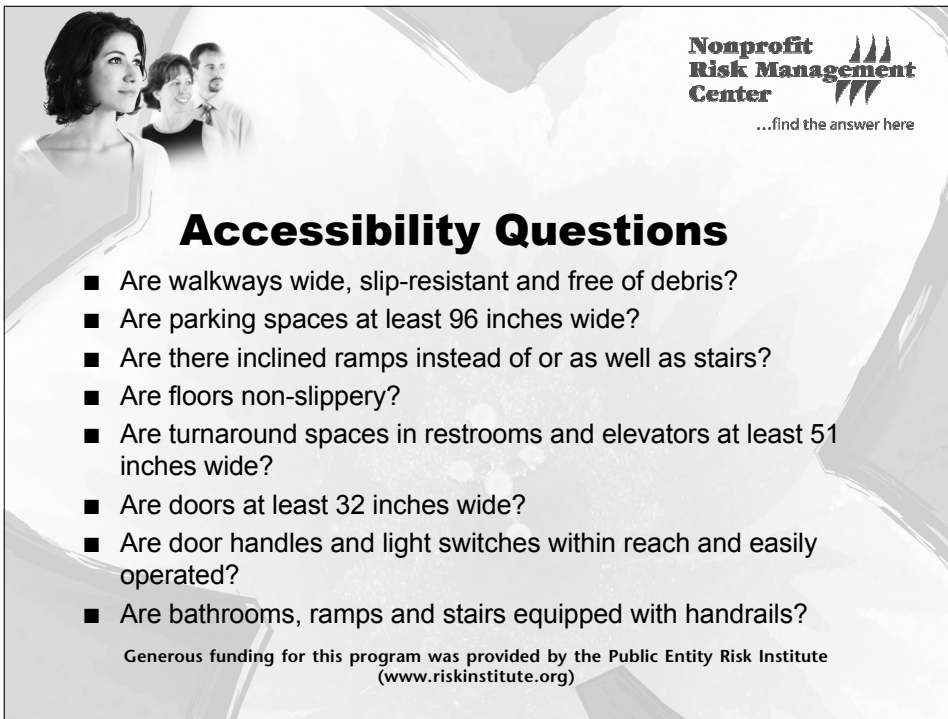



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Accessibility

- 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.”

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