

# Massachusetts Property Owners Now Have Legal Responsibility To Shovel and Treat Snow and Ice

by Rich Vetstein on July 28, 2010 · [48 Comments](#)

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## High Court Overrules 100 Years of Massachusetts Snow Removal Law

In a much anticipated ruling, the Massachusetts Supreme Judicial Court overruled 125 years of legal precedent and announced a new rule of law that all Massachusetts property owners are legally responsible for the removal of snow and ice from their property. The case is *Papadopoulos v. Target Corp.* and can be read [here](#).

Rejecting the old common law rule that property owners could simply leave naturally accumulated snow and ice untreated and escape liability, the SJC held that all Massachusetts property owners must remove or treat snow and ice like any other dangerous condition on property. Justice Ralph Gants reasoned that “is not reasonable for a property owner to leave snow or ice on a walkway where it is reasonable to expect that a hardy New England visitor would choose to risk crossing the snow or ice, rather than turn back or attempt an equally or more perilous walk around it.” Now for some frequently asked questions about the new law.

Also check out my newest and most updated post (as of 2/5/15): [Massachusetts Snow Removal Law Update](#)

### **I am a landlord. How long do I have to shovel snow and ice on my rental property?**

There is no clear cut answer to this question, and juries and courts will ultimately decide what is reasonable. The City of Boston's policy is to give businesses 3 hours to clean snow, and 6 hours to residents. In Worcester, it's 12 hours to clear snow. Those are the minimums. As with any dangerous condition, my advice is to shovel and treat snow and ice early and often. Even a thin coating of black ice can cause someone to slip and fall and seriously hurt themselves. (Admit it if you've dumped on your rear end like I have!). If you are an out-of-town landlord, you must hire someone to shovel your snow.

### **Am I required to shovel the public sidewalk in front of my house/business after a storm?**

In most Massachusetts towns and cities, the answer is yes, and municipalities have the power to enact such bylaws and fine scofflaws. Check your local town ordinances for guidance. The cities of Boston, Cambridge, Somerville, Newton, Lynn, and Worcester (among others) all require property owners and businesses to clear municipal sidewalks in front of their residences or businesses. Fines are assessed against non-compliance. The City of Boston mandates clean sidewalks within 6 hours of a storm; Worcester is 12 hours. In [Somerville](#), for example, if snow ceases to fall after sunrise (during daylight hours), property owners must shovel sidewalks by 10 p.m, and if snow ceases to fall after sunset (overnight), property owners must shovel sidewalks by 10 a.m. You can also be fined for shoveling snow onto the street, blocking a curb cut or putting snow on municipal owned property.

In some more residential towns, the local DPW will clear the sidewalks, but the default rule is that property owners are generally responsible for clearing their own sidewalks and driveways.

### **My lease states that the tenant is responsible for snow shoveling. Is that legal and will that protect me from liability?**

Landlords have the primary responsibility for snow removal at rental property. Under the State Sanitary Code, property owners/landlords must keep all means of egress free from obstruction. As for the removal of snow and ice, the Code provides that the **landlord** shall maintain all means of egress at all times in a safe, operable condition and shall keep all exterior stairways, fire escapes, egress balconies and bridges free of snow and ice. A landlord may require the tenant be responsible for snow and ice remove in a lease provision only where a dwelling has an independent means of egress, not shared with other occupants, and a written lease provides for same. Otherwise, landlords are responsible for snow and ice removal.

Even if the tenant is responsible for snow removal under a legal lease provision, the landlord could still face personal injury liability for slip and falls on snow and ice under the *Target* ruling. A person who is injured due to untreated snow or ice will likely sue both the property owner and the tenant. The property owner must ultimately ensure that the property is safe for visitors.

**Will my homeowner's or CGL insurance policy cover any injuries from slip and fall on snow/ice?**