

# Snow Removal Policy Toolkit

## 1. Implications of *Papadopoulos v. Target Corporation*

Before the *Papadopoulos v. Target Corporation* decision by the Massachusetts Supreme Judicial Court, property owners were not liable for any injuries that may result from a “natural” or untouched accumulation of snow or ice. Only if the property owner in some way acted to create an “unnatural accumulation” of snow or ice could they be held liable. Simply stated, if a property owner did not shovel or otherwise create the hazardous snow or ice condition, then they would not be held liable. This standard is known as the “Massachusetts Rule,” since Massachusetts is the only snow state using that standard. All other snow states use the standard of general premises liability in which the owner has an affirmative duty of reasonable care to maintain property in a reasonably safe condition under all the circumstances.

In the July 2010 *Target* decision, the Court abolished the “Massachusetts Rule,” which had been part of the state’s laws for more than 100 years. In the future, the standard for snow and ice injuries will be the same as that for any other premises injury claim in Massachusetts. The premises liability standard imposes an affirmative duty on a property owner to use reasonable care to maintain the property in a reasonably safe condition. This standard applies to snow and ice cases, so property owners may no longer feel secure that “doing nothing” to make snow and ice accumulations reasonably safe, whether those accumulations are natural or unnatural, will protect them from liability.<sup>1</sup>

For more information about the Massachusetts Supreme Judicial Court case *Papadopoulos v. Target Corporation*, visit <http://www.compliancebuilding.com/2010/08/02/snow-and-ice-in-august>.



<sup>1</sup> From City of Newton Interoffice Memorandum dated 10/29/10.