

FLOOD INSURANCE

Most homeowner's insurance policies do not insure against risk of flood. If your home is located in a flood zone, you should purchase a separate flood insurance policy. Be sure to ask your insurance agent about the different types of flood insurance available. Flood insurance may be available in your community through a federally subsidized insurance program.

PURCHASING INSURANCE

As a homeowner, you should obtain a Homeowner's Policy of Insurance providing both liability and property coverage immediately upon the purchase of your home. From time to time, you should review the various types of insurance coverage and the amounts of coverage appropriate for your home with an insurance agent.

For more specific information on liability and property insurance, please contact an insurance agent.

THIS BROCHURE CONTAINS ONLY A GENERAL DESCRIPTION OF YOUR LEGAL DUTIES AND LIABILITIES AND PROPERTY INSURANCE COVERAGES IN A HOMEOWNER'S POLICY. IF YOU HAVE QUESTIONS OR NEED SPECIFIC INFORMATION, SEEK PROFESSIONAL ADVICE.



**REAL PROPERTY LAW SECTION
STATE BAR OF MICHIGAN**

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HOMEOWNER LIABILITY AND INSURANCE



KEEPING YOUR HOME AND PROPERTY SAFE FOR OTHERS WHILE PROTECTING YOURSELF

It is important for homeowners to be aware of the requirements of Michigan law regarding keeping their property safe for others and to know about liability insurance available to protect them.

Homeowners have a legal obligation to take reasonable care to maintain their property in a safe condition. For example, if someone slips and falls on a homeowner's property, the homeowner may be responsible for injuries resulting from the accident.

WHAT MUST YOU DO AS A HOMEOWNER?

You should maintain your home and property in a reasonably safe condition for all people. If you do not, you may be held liable if someone is injured on your property.

If you invite someone to your home for business purposes, whether you have actually invited them, such as a babysitter or contractor, or whether it is implied that you have invited them, such as a delivery person, you must use ordinary care to protect them against unreasonable risks you are aware of or should have known about. Ordinary care includes maintaining and inspecting your home and property, and doing what a reasonable person would do to keep it safe. You should also warn invited visitors against hidden dangers.

If someone comes to your home as a guest with your permission, such as a friend who comes to visit, you must use ordinary care to protect them from or warn them of unreasonable risks of danger that you know about, or should have known about, but only if they would not have discovered or realized the danger on their own.

If someone comes onto your property without your permission they are considered a trespasser and you may not have a legal duty to that person to make your home safe or to warn him or her of any dangerous condition. If, however, you know or should know that a trespasser is on your property or likely to come onto your property, you may not actively do anything to create a dangerous condition which may injure the trespasser.

If a child comes on your property, even without an invitation or permission, you may be responsible for injuries suffered by that child.

WHAT ABOUT ICE AND SNOW?

You must take reasonable steps to reduce the risk of injury to an invited person from natural accumulations of ice and snow on your property

walks and driveways. While you generally do not have a duty to reduce the risk of injury from natural accumulations of ice and snow for someone who was not invited or who is a trespasser, it is always good to keep your property walks and driveways reasonably safe.

LIABILITY INSURANCE

To protect yourself if someone is injured on your property, you need liability insurance coverage. Unless the type of injury suffered is excluded from the insurance policy, liability insurance will usually:

1. Pay your legal fees for defending a lawsuit brought by the injured person;
2. Pay the injured person for damages awarded up to the full amount of the insurance coverage; and
3. Pay for any damages awarded due to injuries to the property of others.

Liability insurance is usually included in a "Homeowner's Policy of Insurance," which generally also provides insurance coverage for damage to your home.

PROTECTING YOUR HOME FROM DAMAGE AND DESTRUCTION

It is very important for homeowners to insure against damage to their home. The loss from damage or destruction to a house may cause great financial difficulty for a homeowner who does not have adequate insurance.

PROPERTY INSURANCE

Not all property insurance policies are the same, but property insurance usually protects a homeowner against loss from damage due to events such as:

- ◆ Fire or lightning
- ◆ Tornado, windstorm or hail
- ◆ Explosion
- ◆ Smoke
- ◆ Riot or civil disturbance
- ◆ Theft/Vandalism
- ◆ Falling objects

Basic protection for personal property, such as furniture and clothes, is generally provided by a property insurance policy. Additional coverage for very valuable items may also be purchased. Various types of additional coverages such as loss of use, debris removal and temporary repair may be purchased as well. All property insurance policies, however, do exclude coverage for certain types of losses described in the insurance policy.