

SNOW IN PROGRESS DOCTRINE

While property owners may take all necessary precautions, incidents and resulting claims can still occur, both third party and workers compensation. In defending claims that arise out of slip and falls on snow and ice, it is important to understand the duty of care and when the duty arises. Many individual municipalities have their own codes, statutes and rules related to snow removal. However, several states recognize the duty to remove snow and ice with Snow in Progress doctrines. This doctrine states that a property owner does not have a duty to clear snow or ice during a snowstorm, but rather within a reasonable time after the storm ends.

THE FOLLOWING STATES FOLLOW A SNOW IN PROGRESS DOCTRINE.

STATE	CASE LAW	STANDARD
Connecticut	<i>Kraut v. Newton</i> , 211 Conn. 191 (1989); <i>Umsteadt v. G.R. Realty</i> , 123 Conn. App. 73 (2010)	Reasonable time after conclusion of storm to perform; doesn't apply if arises from a pre-existing ice or storm
Delaware	<i>Young v. Saroukos</i> , 185 A.2d 274 (Super. Ct. 1962)	Reasonable time thereafter before beginning snow/ice removal operations
Iowa	<i>Reuter v. Iowa Trust & Savings Bank</i> , 57 N.W. 2d 225 (1953); <i>Gries v. Ames Ecumenical Housing, Inc.</i> , 944 N.W. 2d 626 (2020)	Removal within a reasonable amount of time
Kansas	<i>Agnew v. Dillons, Inc.</i> , 16 Kan App. 2d 298 (1991)	Property owner has reasonable time after storm; absent unusual circumstances
New Jersey	<i>Pareja v. Princeton International Properties</i> , 246, NJ 546 (2021)	2 exceptions – if conduct increases risk of injury or danger that pre-existed storm
New York	<i>Sherman v. N.Y.S. Thruway Auth.</i> , 27 N.Y.3d 1019 (2016)	Not liable until a reasonable period of time has passed following the storm

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Pennsylvania	<i>Collins v. Philadelphia Suburban Development Corporation</i> , 179 A.3d 69 (Pa. Super. 2018)	Reasonable time after a winter storm has ended
Rhode Island	<i>Fuller v. Housing Authority of Providence</i> ; 279 A.2d 438 (1971); <i>Sullo v. Greenberg</i> , 68 A.3d 404 (R.I. 2013)	Duty does not arise until a reasonable time after storm has ended
Virginia	<i>Irma Blair Walker v. The Memorial Hospital</i> , 187 Va.5 (Va. 1948)	No duty to clean ice/snow during storm because it is impracticable; reasonable amount of time
Washington D.C.	DC Code 9-601 (2023)	Removal within first 8 hours of daylight after the snow stops

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