Client advisory

Safehold SPECIAL RISK

Rental Agreements and Waiver Guidelines for Ice Rinks and Sports Facilities

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Rental or Facility Use Agreements should be executed with every user group renting out the ice rink or sports facility. An effective agreement details the conditions and expectations for facility use and provides the best protection for the facility owner/operator whenever a claim is filed against them. A good facility use agreement will include, at a minimum, the names of each party, terms, payment, responsibilities of each party, insurance requirements, release, indemnification and dispute resolution.

User Groups who are insured should be required to have a minimum of $1 million of commercial general liability insurance and additionally insure the facility on their policy. Rental agreements for non-insured user groups will not have the insurance clause but should be required to have each participant execute a liability waiver prior to entering the playing surface. Safehold Special Risk can provide sample contracts for each type of user group, as well as a very specific agreement to be utilized with all USA Hockey members.

Patrons using a sports facility tend to fall into one of the three following categories:

1. Insured Rental Groups
2. Non-Insured Rental Groups
3. Facility Sponsored Activities (open play)

Insured Rental Groups

Examples: *Associations that are members of USA Hockey, US Soccer, US Lacrosse, USA Basketball or AAU; Schools; Corporations*

These groups are typically formally organized and likely to be members of a national governing body or some other form of membership organization or entity that provides insurance coverage for its members' activities. Nearly every state requires that youth sports organizations obtain commercial general liability insurance to protect themselves. These groups can and should be required to additionally insure your facility for the risk involved with their event/activity.

What you need to collect from insured user groups:
A signed rental or facility use agreement and a certificate of insurance (COI) indicating a minimum of $1 million commercial general liability insurance and noting that the facility is additionally insured on their policy for all the member's activities.

Non-Insured Rental Groups

Examples: *Pick-up Groups, Some Adult Leagues, Homeschool Groups*

These groups tend to be loosely formed and not part of a formal organization or governing body. For example, a bunch of parents, players or friends get together and just want to play, so they pool their money together to rent a sports surface. These groups do not have commercial general liability insurance and therefore cannot additionally insure the facility. The best operating practice in this situation is for the facility to have the user group collect waivers from every participant, in addition to a rental agreement. Safehold Special Risk has sample waivers that can be utilized.

What you need to collect from non-insured user groups:
Signed rental or facility use agreement (void insurance requirement section as they cannot meet that condition), signed waiver and release from every participant (or parent if participant is a minor).

Facility Sponsored Activities / Open Play

Examples: *Open Play, Stick Time, Skills Sessions, Camps, Clinics, Batting Cages*

Many facilities provide the above activities whereby individual participants can come and recreate for a fee. The facility sets the time and conditions (such as required equipment) and may or may not provide instructors or supervision. A facility rental or use agreement does not apply for these activities. Instead, the facility must collect a waiver from every participant prior to entering the playing surface. Some sports centers provide batting cages for participants to rent. A waiver specific to the risks associated with baseball should be used for this activity.

What you need from Facility Sponsored Activity Participants:
Signed waiver and release from every participant (or parent if the participant is a minor) ***or*** they can sign a Group Participation Agreement, if collecting individual waivers is not feasible. Safehold has sample documents that can be provided.

Unlike rental groups, open play is an activity that is operated by the center. Sports centers are responsible for providing a clean and prepped playing surface, approved balls/pucks, monitors, and visibly posted proper notification of risks and responsibilities.

A well-managed open play program will have the following:

- Responsibility Code (or code of conduct) posted prominently in the lobby and at the entrances to the playing surface(s).
- Monitors should be on or adjacent to the playing surface for the duration of the activity and be focused on the participants, calling out any misconduct and responding to any incidents.