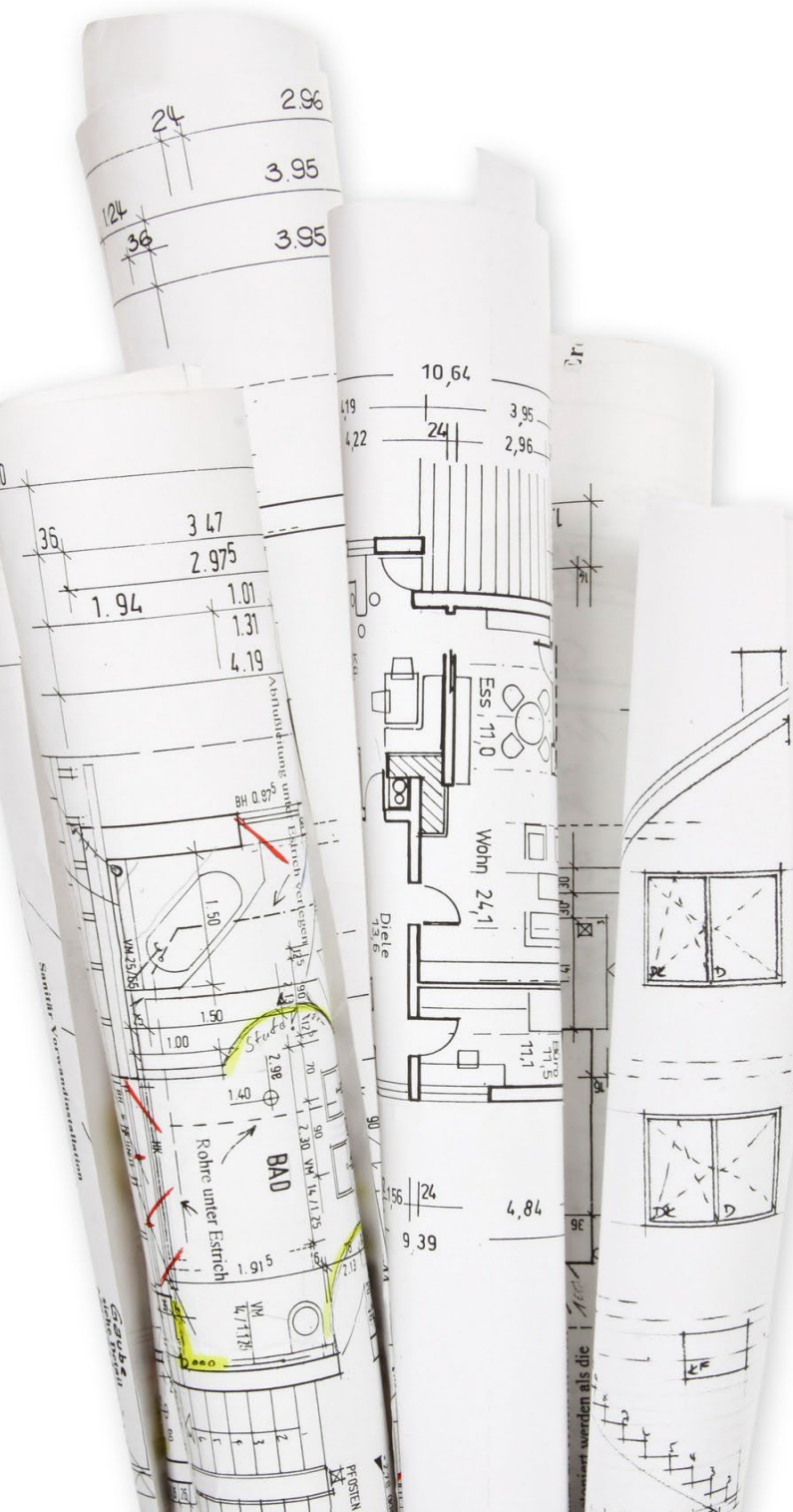


# BUILDING BLOCKS

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## Right of Entry for a Project Site

By: *Eric O. Pempus, FAIA, Esq., NCARB*  
*DesignPro Insurance Group*

In the design professions and construction industry, the right of entry is necessary for project success, as it allows designers, construction teams, contractors, and other authorized personnel to access the site for various activities. Right of entry, also known as right of access, is a legal term that grants specific individuals or entities the authority to enter and use a property or site for a particular purpose. It can be included in contract conditions along with many other terms between two parties.

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For example, an architect or engineer can be granted access to a project owner's site to evaluate a proposed project, either new or an existing structure. Also, right of entry agreements are commonly used in construction, where they allow contractors and other authorized personnel to access a site for various activities. Multiple facets of a project require access to a property even before the actual construction begins.

They can also be used in other situations, such as when a city or county government needs to enter private property for inspections.

### **A RIGHT OF ENTRY AGREEMENT TYPICALLY INCLUDES THE FOLLOWING INFORMATION:**

- Purpose: The reason for the entry, such as construction, repairs, or inspections
- Duration: How long the agreement lasts
- Restrictions: Any limitations on how the property can be used
- Notice: Whether notice is required before entry
- Contact person: A person or number to contact with questions or concerns
- Dispute resolution timeline: A reasonable timeline for resolving disputes

### **THE RIGHT OF ENTRY PLAYS A SIGNIFICANT ROLE IN DESIGN AND CONSTRUCTION PROJECTS FOR:**

- Site Investigation and Surveys: Before commencing construction, site investigation and surveys are conducted to assess the site's suitability and identify potential challenges. The right of entry allows engineers and surveyors to access the site legally and gather essential data.
- Material and Equipment Delivery: Construction projects require a continuous supply of materials, equipment, and machinery. The right of entry permits the delivery of these resources to the site without legal obstacles.
- Safe and Timely Construction: Authorized access to the construction site ensures that construction activities can be carried out safely and efficiently. It allows construction teams to adhere to timelines and complete projects within the expected timeframe.
- Compliance with Regulations: The right of entry ensures that all construction activities are conducted in compliance with local regulations, zoning laws, and safety standards.
- Coordination and Communication: Securing the right of entry facilitates communication and coordination between construction companies, property owners, and other stakeholders involved in the project.

<https://www.getvergo.com/define/right-of-entry>

### **LEGAL IMPLICATIONS**

Securing the right of entry is not only crucial for the success of a construction project but also has legal implications. It is essential to address the legal aspects associated with right of entry, such as:

- Liability and Insurance: The right of entry agreement should clearly define the liability and insurance responsibilities of all parties involved. This ensures that each party is protected in the event of accidents or damages on the site.

- **Termination Clauses:** Consider including termination clauses in the agreement that outline the circumstances under which the right of entry may be terminated by either party.
- **Indemnification:** Indemnification clauses should be included to protect property owners and other parties from liabilities arising from construction activities on the site.
- **Dispute Resolution:** The agreement should address dispute resolution methods, such as mediation or arbitration, to resolve any disagreements that may arise during the project.
- **Compliance with Laws:** Ensure that the right of entry agreement complies with all relevant local and state laws, regulations, and permitting requirements.

## IN CONCLUSION

By understanding the importance of the right of entry and addressing its legal implications, design professionals and construction companies can establish strong partnerships with property owners and stakeholders, leading to successful project completion.

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### ***About the Author of this Risk Management Building Block Article***

*As a risk manager for the last 18 years for the design profession, Eric has experience in professional liability insurance and claims, architecture, engineering, land use, law, and a unique background in the construction industry. Prior to risk management, he has 25 years of experience in the practice of architecture/engineering, and as an adjunct professor teaching professional practice courses at the undergraduate and graduate levels for the last 35 years at Kent State University's College of Architecture & Environmental Design.*

*As a Fellow of the American Institute of Architects and AIA National Ethics Council 2021 Chair, he has demonstrated his impact on architectural profession. He has presented numerous loss prevention and continuing educational programs to design professionals since 2000 on topics of ethics, contracts, and professional practice in various venues across the United States and Canada. He is a former member and chair of his city's Board of Zoning & Building Appeals for 24 years, and is a licensed architect, attorney, and property & casualty insurance professional.*

*His educational background includes a JD from Southwestern University School of Law, Los Angeles; Master of Science in Architecture from University of Cincinnati; and BA in psychology/architecture from Miami University, Oxford, Ohio.*

**The above comments are based upon DesignPro Insurance Group's experience with Risk Management Loss Prevention activities and should not be construed to represent a determination of legal issues but are offered for general guidance with respect to your own risk management and loss prevention. The above comments do not replace your need for you to rely on your counsel for advice and a legal review, since every project and circumstance differs from every other set of facts.**

**Disclaimer: The viewpoints expressed in this article are those of the author(s) and are not necessarily approved by, reflective of or edited by other individuals, groups, or institutions. This article is an expression by the author(s) to generate discussion and interest in this topic.**

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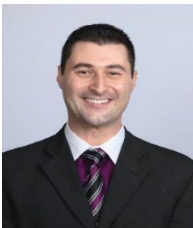
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