



## New York City Property Owners Sidewalk Liability

The City of New York enacted changes to a law concerning property owner liability for injuries caused by unsafe sidewalk conditions. The law, Local Law 49 of 2003, amended the Administrative Code of the City of New York requires most property owners solely liable for injuries caused by their failure to maintain sidewalks abutting their property in reasonably safe condition. The law has been in effect since September 16, 2003.

Under existing New York City (NYC) law, property owners are responsible for maintaining sidewalks in good repair and keeping them free of snow, ice, dirt, and other materials (outlined in Sections 19-152 and 16-123 of the NYC Administrative Code). The primary purpose of the law is to excuse the City of New York from any liability for any injuries caused by property owners' failure to meet their obligation.

The law does not apply to one-, two-, or three-family residential properties that are owner-occupied and used exclusively for residential purposes. For such properties, the City of New York may still be a potentially liable party. To ensure that property owners have the financial ability to pay for any judgments against them, the City requires the property owner to purchase liability insurance to cover sidewalk-related injuries (Local Law 54 of 2003). Property owners should take steps to provide for reasonably safe sidewalk conditions on sidewalks abutting their premises. Here are examples of conditions that require attention:

- A section of sidewalk is cracked to such an extent that one or more pieces of the walk may be loosened or readily removed with subsequent repair or replacement.
- A trip hazard, where the vertical grade differential between adjacent sidewalk is greater than or equal to one half inch or where water collects and does not drain toward the curb.

Property owners should keep records of all inspections, repairs, and cleanings so that they can demonstrate the reasonableness of their actions, if necessary. Photography or video is highly recommended to document sidewalk conditions.



The NYC Administrative Law § 7 – 210 is available from the New York state legislature website: <http://public.leginfo.state.ny.us/menugetf.cgi>.

Find frequently asked questions (FAQ) relating to NYC sidewalk rules at <http://www.nyc.gov/html/dot/html/sidewalks/sidewalkintro.shtml>.

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Reference – Engineering and Safety, NYC Sidewalk Liability, LB\_(@\_!%, October 22, 2009

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