

## *Memorandum*

**To:** Cooperative and Condominium Directors and Managers

**From:** John Van Der Tuin  
Eric D. Balber  
Todd S. Pickard  
Michael T. Manzi

**Subject:** Liability for Sidewalk Injuries

**Date:** July 14, 2003

The City of New York recently amended its Administrative Code to shift liability for injuries caused by unsafe sidewalks to the owner of the property adjoining the sidewalk. This will have liability implications for your cooperative or condominium.

Prior to the amendment, the owner of the property adjoining the sidewalk was not liable for injuries caused by defects or disrepair of the sidewalk or by snow or ice. The adjoining owner was liable only where the owner created the defect or made some special use of the sidewalk related to the injury. The adjoining owner was obligated, pursuant to the Administrative Code, to pay for repair of the sidewalk and to clear ice or snow within four hours of the end of the precipitation, but failure to do so did not result in statutory liability for injuries.

The amendment, however, provides:

...the owner of real property abutting any sidewalk ... shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner to maintain such sidewalk in reasonably safe condition. Failure to maintain such sidewalk in reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair or replace defective sidewalk flags and the negligent failure to remove snow, ice, dirt or other material from the sidewalk.

The amendment also requires each property owner to have a policy of personal injury and property damage liability insurance covering injuries resulting from the failure to maintain the abutting sidewalk.

You should review your cooperative or condominium's liability insurance policy to be certain that coverage is provided for sidewalk-related injuries.

You should also have procedures in place, and adhered to, for periodic inspection of all sidewalks abutting your building, for timely repairs of any defects, and for timely removal of any snow, ice or other material from the sidewalks. All sidewalk injuries should be reported to your insurance carriers as soon as is possible.

Please contact us if you have further questions.