Legislation Details (With Text)

File #:	Int 0777-2015	**Version:**	*	**Name:**	Requiring the City to be responsible for sidewalks outside of buildings owned by or used exclusively by nonprofit organizations.
Type:	Introduction			**Status:**	Filed (End of Session)
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On agenda:	4/28/2015				
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Title:	A Local Law to amend the administrative code of the city of New York, in relation to requiring the City to be responsible for sidewalks outside of buildings owned by or used exclusively by nonprofit organizations.				
Sponsors:					
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Attachments:	1. Summary of Int. No. 777, 2. April 28, 2015 - Stated Meeting Agenda with Links to Files				

Date	Ver.	Action By	Action	Result
4/28/2015	*	City Council	Introduced by Council	
4/28/2015	*	City Council	Referred to Comm by Council	
12/31/2017	*	City Council	Filed (End of Session)	

Int. No. 777

By Council Members Levine, Cabrera, Eugene, Gentile, King, Rose and Vallone

A Local Law to amend the administrative code of the city of New York, in relation to requiring the City to be responsible for sidewalks outside of buildings owned by or used exclusively by nonprofit organizations.

Be it enacted by the Council as follows:

Section 1. Section 7-210 of the administrative code of the city of New York is amended to read as follows:

§ 7-210 Liability of real property owner for failure to maintain sidewalk in a reasonably safe condition. a. Definitions. For the purpose of this section, “nonprofit” means an organization operated exclusively for religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

[a.] b. It shall be the duty of the owner of real property abutting any sidewalk, including, but not limited

to, the intersection quadrant for corner property, to maintain such sidewalk in a reasonably safe condition.

[b.] c. Notwithstanding any other provision of law, the owner of real property abutting any sidewalk, including, but not limited to, the intersection quadrant for corner property, 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 a reasonably safe condition. Failure to maintain such sidewalk in a 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. This subdivision shall not apply to one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, nor shall this subdivision apply to real property that is (i) owned by a nonprofit or (ii) used exclusively for nonprofit purposes.

[c.] d. Notwithstanding any other provision of law, the city shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure to maintain sidewalks (other than sidewalks abutting one-, two- or three-family residential real property that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes, or sidewalks abutting real property that abut real property that is (i) owned by a nonprofit or (ii) used exclusively for nonprofit purposes, in a reasonably safe condition. This subdivision shall not be construed to apply to the liability of the city as a property owner pursuant to subdivision b of this section.

[d.] e. Nothing in this section shall in any way affect the provisions of this chapter or of any other law or rule governing the manner in which an action or proceeding against the city is commenced, including any provisions requiring prior notice to the city of defective conditions.

§ 2. Section 19-152 of the administrative code of the city of New York is amended by adding a new subdivision t to read as follows:

t. This section shall not apply where the property is owned by a nonprofit or used exclusively by a nonprofit. For purposes of this subdivision, "nonprofit" means an organization operated exclusively for

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religious, charitable, or educational purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

§ 3. This local law shall take effect immediately upon enactment into law.

NV/LF/KET 1/16/15 3:06PM
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