Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to the imposition of civil penalties on property owners who fail to repair sidewalk defects

Sponsors:

Indexes:

Attachments: 1. Summary of Int. No. 2181, 2. Int. No. 2181, 3. December 10, 2020 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 12-10-20, 5. Minutes of the Stated Meeting - December 10, 2020

Date	Ver.	Action By	Action	Result
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12/31/2021	*	City Council	Filed (End of Session)	

Int. No. 2181

By Council Members Rivera and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to the imposition of civil penalties on property owners who fail to repair sidewalk defects

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 19-152 of the administrative code of the city of New York, as amended by local law number 120 for the year 2018, is amended to read as follows:

c. Whenever the department shall determine that a sidewalk flag should be installed, constructed, reconstructed, or repaved, or that a vacant lot should be fenced, or a sunken lot filled or a raised lot cut down, it may order the owner of the property abutting on such sidewalk flag or the owner of such vacant, sunken or raised lot by issuing a violation order to perform such work. Such order shall provide a detailed explanation of the inspection and the sidewalk defects according to sidewalk flags including a detailed diagram of the property and defects by type. The order shall also inform the owner of the existence of the borough offices within the

department together with an explanation of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter as well as a complaint and appeal process, including the right to request a reinspection and then the right to appeal by filing a notice of claim with the office of the comptroller of the city of New York and thereafter a petition for appeal and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed under the direction of or by the department as provided herein and the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed as provided herein and the location, where the forms may be obtained. Such order shall specify the work to be performed, an estimate of the cost of the work to repair the defects and the order shall also specify a reasonable time for compliance, provided that the time for compliance shall be a minimum of 75 days. Such order shall specify that failure to complete the work as directed may subject the owner to a civil penalty pursuant to paragraph 1 of subdivision o of this section. The department shall, by appropriate regulations, provide for a reinspection by a different departmental inspector than the inspector that conducted the first or original inspection upon request of the property owner to the appropriate borough office. Where appropriate, the department shall notify the property owner of the date of reinspection at least five days prior to the reinspection date. Such inspector conducting the reinspection shall conduct an independent inspection of the property without access to the reports from the first inspection. The inspector conducting the reinspection shall file a new report and the department shall issue a new order to the owner specifying the results of the reinspection with a detailed diagram of the property and defects by type. Such order shall also advise the owner of the procedures utilized by the borough office as provided for in paragraph eighteen of subdivision a of section twenty-nine hundred three of the New York city charter and also of the right to challenge the notice of account and/or the quality of the work performed by filing a notice of claim with the office of the comptroller and thereafter a petition and commence a proceeding to review and/or correct the notice of account and/or the

quality of the work performed under the direction of or by the department as provided in sections 19-152.2 and 19-152.3 of the code and specify the procedures as to how to appeal by filing a notice of claim with the office of the comptroller of the city of New York and how to file a petition and commence a proceeding to review and/or correct the notice of account and/or the quality of the work performed and the location where the forms may be obtained.

§ 2. Subdivision d of section 19-152 of the administrative code of the city of New York, as amended by local law number 120 for the year 2018, is amended to read as follows:

d. If the department has been notified in writing of the existence of a defective, unsafe, dangerous or obstructed condition of a sidewalk pursuant to subdivision (c) of section 7-201 of the code, and the department determines that such condition constitutes an immediate danger to the public, it may notify the property owner that such condition constitutes an immediate danger to the public and direct such owner to repair same within ten days of the service of the notice. Such notice shall specify whether such owner is subject to a civil penalty pursuant to paragraph 3 of subdivision o of this section and that failure to complete the work as directed may subject such owner to a civil penalty pursuant to paragraph 2 of subdivision o of this section.

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

o. An owner of real property shall be subject to a civil penalty not to exceed $250 under the following circumstances:

1. Where such owner fails to complete work as directed in a violation order issued pursuant to subdivision c of this section within the time specified for compliance in such order;

2. Where such owner fails to complete work as directed by a notice issued pursuant to subdivision d of this section within the time specified for compliance in such notice; or

3. Immediately upon issuance to such owner of a notice pursuant to subdivision d of this section where the department determines that such owner knew or should have known that the condition of the sidewalk

constitutes an immediate danger to the public, except where the department determines that such owner's failure to address such condition prior to the issuance of such notice is reasonable under the circumstances.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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9/19/19