STATE OF NEW YORK

7113

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to removing liability for sidewalk maintenance for cooperative apartment buildings, condominium buildings, nonprofit organizations and houses of worship

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions b and c of section 7-210 of the administrative code of the city of New York, as added by local law number 49 of the city of New York for the year 2003, are amended to read as follows:

b. 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. **This subdivision shall not apply to cooperative or condominium apartment buildings nor shall this subdivision apply to real property that is used as a house of worship, or real property that is owned by a nonprofit, or real property used exclusively for nonprofit purposes. For purposes of this section, the term "house of worship" shall have the same meaning as defined in section 19-162.1 of this code.**

c. 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

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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that is (i) in whole or in part, owner occupied, and (ii) used exclusively for residential purposes**; or sidewalks abutting cooperative or condominium apartment buildings; or sidewalks abutting real property that is used as a house of worship, or real property that is owned by a nonprofit, or real property 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.

§ 2. This act shall take effect immediately.