STATE OF NEW YORK

5445

2025-2026 Regular Sessions

IN SENATE

February 21, 2025

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to a private right of action concerning sidewalk sheds

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

Section 1. The real property law is amended by adding a new section 235-k to read as follows:

§ 235-k. Sidewalk sheds. 1. Any property owner in a city having a population of one million or more persons who:

(a) maintains a sidewalk shed without an active permit (including, without limitation, by maintaining a sidewalk shed following expiration of a permit) in accordance with the requirements of chapter one of title twenty-eight of the administrative code of the city of New York;

(b) maintains such sidewalk shed for more than thirty consecutive days without actively undertaking work on covered repairs necessitating such sidewalk shed;

(c) maintains a sidewalk shed perilous to life or property by reason of the nature or condition of its contents, its use, defects in its construction, or by reason of any condition of such sidewalk shed; or

(d) maintains a sidewalk shed and the maintenance of such sidewalk shed is the basis of a violation of section 28-201.2.2 of the administrative code of the city of New York, may be sued by a residential or commercial tenant of the property the sidewalk shed is attached to in the supreme court in the county in which the property is located, for temporary and permanent injunctive relief and for damages, if any, and the costs of the action, including reasonable attorney's fees.

2. A plaintiff shall not be required to allege or prove that actual damages have been suffered in order to obtain injunctive relief.

3. Before bringing a civil action pursuant to this subdivision, a tenant must give the property owner written notice of the alleged

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

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violation. A tenant may not bring a civil action until thirty days after giving the property owner notice of the alleged violation, except where a tenant alleges with particularity that the property owner has demonstrated an unwillingness to cure a violation in bad faith, and may not bring a civil action if the property owner corrects the alleged violation. A tenant must bring a civil action pursuant to this subdivision within six months from the date the tenant had knowledge of the violation alleged in such civil action.

4. For the purposes of this section:

(a) "covered repairs" shall mean repairs to the exterior walls of a building that are either (i) required pursuant to section 28-302.5 of the administrative code of the city of New York and its amendments upon notification to the New York city department of buildings of an unsafe condition, or (ii) made in order to prevent the occurrence of an unsafe condition and which, in either case, because of the building's height and the nature of repairs, require the installation of a sidewalk shed in accordance with section 3307.6.3 of the New York city building code.

(b) "sidewalk shed" shall have the same meaning as defined in section 27-232 of the administrative code of the city of New York.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.