

STATE OF NEW YORK

9692

IN SENATE

April 2, 2026

Introduced by Sen. CLEARE -- 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:

1 Section 1. The real property law is amended by adding a new section
2 235-k to read as follows:

3 § 235-k. Sidewalk sheds. 1. Any property owner in a city having a
4 population of one million or more persons who:

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

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

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

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

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

24 3. Before bringing a civil action pursuant to this subdivision, a
25 tenant must give the property owner written notice of the alleged
26 violation. A tenant may not bring a civil action until thirty days after
27 giving the property owner notice of the alleged violation, except where
28 a tenant alleges with particularity that the property owner has demon-

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

LBD08840-02-5

1 strated an unwillingness to cure a violation in bad faith, and may not
2 bring a civil action if the property owner corrects the alleged
3 violation. A tenant must bring a civil action pursuant to this subdivi-
4 sion within six months from the date the tenant had knowledge of the
5 violation alleged in such civil action.

6 4. For the purposes of this section:

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

15 (b) "sidewalk shed" shall have the same meaning as defined in section
16 27-232 of the administrative code of the city of New York.

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