

# STATE OF NEW YORK

9141

2025-2026 Regular Sessions

## IN ASSEMBLY

October 17, 2025

Introduced by M. of A. LAVINE -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to prohibiting towns from assigning sidewalk maintenance obligations to private property owners in certain instances

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

1 Section 1. Section 200-a of the town law, as amended by chapter 25 of  
2 the laws of 1980, the closing paragraph as added by chapter 255 of the  
3 laws of 1991, is amended to read as follows:  
4 § 200-a. Construction and repair of sidewalks pursuant to order of  
5 town board. 1. Whenever the town board shall have adopted an ordinance,  
6 rule or regulation pursuant to the provisions of article nine of this  
7 chapter, describing how sidewalks shall be built in such town, the town  
8 board may adopt orders from time to time, directing the owners of the  
9 respective lots and parcels of land abutting on any street, or, in towns  
10 of the first class, with the consent of the county superintendent of  
11 highways or the state commissioner of transportation, as the case may  
12 be, abutting on a county or state highway within the town, along which  
13 it is desired that sidewalks be built, relaid or repaired, to construct  
14 the same to conform with such ordinance, rule or regulation, and specify  
15 the time within which the same shall be done. The town clerk shall give  
16 notice thereof by certified mail addressed to each such owner at [~~his~~]  
17 their address as it appears upon the assessment roll of such town or, in  
18 the alternative, by publication of a notice thereof in the official  
19 paper at least twice, the first publication of which shall be at least  
20 fifteen days before the time specified for the completion of the work.  
21 If, within the time prescribed in the order and notice, the sidewalks  
22 required to be built, relaid or repaired shall not have been so built,  
23 relaid or repaired, then the board may cause the same to be done and  
24 audit and pay the expense of doing the same and assess the expense ther-

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

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1 eof against the property benefited as a whole, or any five or less annu-  
2 al installments, in the same manner as street improvements constructed  
3 pursuant to section two hundred of this [~~chapter~~] article.

4 2. If such expense be assessed in installments, there shall be  
5 assessed as part of each installment, except the first, as interest, an  
6 amount not exceeding six per cent of such installment such rate to be  
7 fixed by the town board in the order providing for the assessment. The  
8 provisions of law applicable to the sale of tax liens shall apply to any  
9 unpaid assessed installment with the interest thereon in the same manner  
10 as though such installment and interest had been assessed as an assess-  
11 ment payable as a whole. Unassessed installments shall be prepayable at  
12 any time with interest computed thereon at the aforesaid rate from the  
13 date of assessment of the first installment to the date of payment of  
14 the particular installment.

15 3. If such expense be assessed as a whole and the town board resol-  
16 ution assessing such expense against a particular piece of property  
17 shall so provide, the assessment against such property may be paid in  
18 five or less annual installments on the dates fixed by such resolution  
19 with interest, not exceeding six per cent of each such installment,  
20 fixed by such resolution.

21 4. The town board may adopt a local law apportioning the expense of  
22 building, relaying or repairing any sidewalk within such town between  
23 the town and owners of the respective lots and parcels of land abutting  
24 any street or county or state highway within the town along which it is  
25 desired that sidewalks be built, relaid or repaired; provided that a  
26 town board shall not adopt any ordinance, rule or regulation assigning  
27 sidewalk maintenance obligations to property owners where such sidewalk  
28 adjoins a county highway, or where the sidewalk is not directly accessi-  
29 ble from such owner's property.

30 § 2. Subdivision 4 of section 130 of the town law is amended to read  
31 as follows:

32 4. Sidewalks. Regulating the manner of construction, reconstruction  
33 and repair of sidewalks, the materials to be used, the grades and the  
34 widths thereof and prohibiting any construction, reconstruction or  
35 repair which does not comply with such regulations; requiring the owner  
36 and occupant of premises abutting on any street where a sidewalk has  
37 been laid, except a sidewalk abutting a county highway or where the  
38 sidewalk is not directly accessible from such owner's property, to keep  
39 the sidewalk in front of such premises, free and clear from snow, ice,  
40 dirt and other obstructions and upon default thereof provide for the  
41 removal thereof at the expense of the owners of such premises and that  
42 such charge shall become a lien upon the premises benefited thereby,  
43 until paid.

44 § 3. This act shall take immediately.