



# New York City Sidewalk Law



New York City comprises Manhattan, Brooklyn, Queens, the Bronx and Staten Island. According to the NYC Department of Transportation, the city has 12,000 miles of sidewalks that require maintenance, repairs and general upkeep. If you own or lease space within a property in New York City, it is vital to understand where your responsibilities lie when it comes to sidewalk maintenance.

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### What is the New York City Sidewalk Law?

Effective September 15, 2003, the city transferred the responsibility for maintaining any sidewalk abutting any real property to the owner of that property. Section 7-210 of the Administrative Code Sidewalk Rules also removes any liability for property damage or personal injury, including death, from the city. The rule then places liability for any injury or property damage incurred by others onto the owner for any negligent failure to maintain the sidewalk in a reasonably safe condition.

One-, two- or three-family residential properties owned and used exclusively for residential purposes are excluded from the rules.

Section 19-152 outlines the duties and obligations of property owners with respect to sidewalks and lots. Maintaining a sidewalk in a reasonably safe condition shall include, but not be limited to, the installation, construction, reconstruction, repaving, repairing or replacement of defective sidewalk flags. The rules include the removal of snow, ice, dirt or other materials from the sidewalk. This section also provides guidance on what could be considered a substantial defect requiring repair.

The rule goes on to require property owners to fence any vacant lot or lots and to fill any sunken lot and/or to cut down any raised lot.

### What can a property owner or “responsible party” do to manage New York City Sidewalk Law exposures?

1. Conduct timely and periodic inspections of abutting sidewalks and vacant lots to assess sidewalk or lot conditions for defects based on weather and environmental conditions with documentation.
2. Maintain adequate documentation of inspections, findings and corrective actions implemented to show reasonable care has been taken to prevent property and personal injuries due to sidewalk defects.
3. Determine and understand your responsibilities for snow and ice maintenance. Develop a plan to address snow and ice events during business hours, after-hours, on weekends, during holidays, and other occasions where the building may be closed or unoccupied. Snow and ice maintenance activities should be documented.
4. When using an outside property management company, ensure that the written contract addresses sidewalk oversight responsibilities of the management firm along with proper risk transfer and indemnification language.

5. When, as an owner or “responsible party,” you subcontract out sidewalk or snow/ice maintenance, obtain from the subcontractor (1) a current Certificate of Insurance and (2) an agreement that includes hold harmless and indemnification clauses in your favor and monitor the activities of the subcontractor. Request to be listed as an Additional Insured on the subcontractor’s insurance policy.
6. As a tenant, review any lease agreement to determine if the owner has transferred sidewalk maintenance responsibility to you.
7. Have a policy and procedure in place to address the public and city notifications of sidewalk defects that constitute an **imminent danger** to the public, and be prepared to make repairs within 10 days.
8. Depending on the extent of repair, permitting may be required. “Responsible parties” should maintain all records and document all attempts to contact the city to obtain a permit once a deficiency is noted.
9. If a defect is noted and does not fall under the responsibility of the building owner, document and retain all continuous efforts to contact the responsible party.
10. Develop and train all staff on injury and incident reporting following a trip and fall on the sidewalk.

### What sections of the sidewalk is the building owner responsible for maintaining?

Per the City of New York’s Administrative Codes (7-210 and 19-152), and based on prior case law, there are specific sections of the sidewalk that fall under the responsibility of the building owner to maintain, and some specific areas that may not. The chart below outlines where these responsibilities currently rest based on the section of the sidewalk or specific scenario.

By having appropriate policies and protection practices in place to address sidewalk defects and vacant lot hazards, losses arising from New York City sidewalk laws can be mitigated. Other states and municipalities have similar codes and regulations. Consult with your independent agent and legal counsel for more information.



**Responsibilities for Sidewalks – New York City Sidewalk Law**

Sidewalk flags (from property line to curb)	Building owner
Snow/ice/dirt/contaminates	Building owner
Damage to sidewalk from tree roots (including municipal trees)	Building owner
Curbstone	Shared responsibility (including building owner)
Pedestrian ramps and curb cuts	Shared responsibility (including building owner)
Tree well (tree well itself)	Shared responsibility (including building owner)
Bus shelters (extending three feet on any open side)	Shared responsibility (including building owner)
Signs and sign posts	Shared responsibility (including building owner)
Manhole covers, sidewalk grates, gas/water medallions (with an area extending 12 inches outward from the cover or grate)	The owner of the cover or grate (may be the building owner, city, utility company, etc.)
Damage sustained to sidewalks from tenant or building owner’s operations (including damage to portions of the sidewalk NYC would ordinarily be responsible for maintaining)	The entity who caused the damaged condition

**Additional resources**

- [Risk Control Guide – Risk Transfer: A Strategy to Help Protect Your Business](#)
- [New York City Department of Transportation – Additional Information on NYC Codes 7-210 and 19-152](#)

To learn more about managing risk and increasing efficiency, visit [cna.com/riskcontrol](https://cna.com/riskcontrol).

