

NYC DOT (New York City Department of Transportation) has a Sidewalk Repair Program that replaces more than 2 million square feet of sidewalk a year. DOT's Sidewalk Repair Program focuses most of its work on City-owned property and in neighborhoods with predominately 1, 2, and 3 family homes. Despite the large scale of this program, this amounts to less than 1% of the City's total sidewalk area a year. DOT relies on property owners to maintain the rest of the sidewalks.

New York City law requires property owners to, at their own cost, install, construct, reconstruct, repave and repair the sidewalk adjacent to their properties, including the intersection quadrant and pedestrian ramps for corner properties, in accordance with DOT specifications. Section 7-210 of the NYC Administrative Code makes property owners potentially liable for personal injuries caused by their failure to maintain reasonably safe sidewalks. Property owners must keep their sidewalks clean and are also responsible for snow removal.

Property owners are encouraged to perform repairs to their sidewalks before a condition becomes a defect which would give rise to a violation.

Upon failure of a property owner to install, construct, repave, reconstruct or repair the sidewalk pursuant to a Notice of Violation issued by DOT after an inspection, DOT may perform the work or hire a contractor to perform the work and the Department of Finance (DOF) will bill the property owner pursuant to Section 19-152 of the NYC Administrative Code.

Q&A to Common Sidewalk Violations:

1. What is a sidewalk defect?

According to section 19-152 of the NYC Administrative Code, any of the following shall be considered a defect which would result in a violation:

- One or more flag(s) (i.e. square of sidewalk) **missing or a sidewalk was never built.**
- One or more flag(s) **cracked** to such an extent that one or more pieces of flag(s) may be loosened or readily removed. For example, sidewalk flags with full-depth cracks that extend from joint to joint, and are 1/4" wide or greater.
- An **undermined flag** below which there is a **visible void** or a **loose flag** that rocks or seesaws.
- A **trip hazard**, where the vertical surface differences between adjacent sidewalk flags are greater than or equal to 1/2" or where a sidewalk flag contains one or more surface defects of 1" or greater in all horizontal directions and is 1/2" or more in depth.
- **Improper slope**, which shall mean (i) flag(s) that do not drain toward the curb and retain water, (ii) flag(s) that

must be replaced to provide for adequate drainage or (iii) a cross slope exceeding established standards.

- **Hardware defects**, which shall mean (i) hardware not flush within 1/2" of the sidewalk surface or (ii) cellar doors that deflect greater than 1" when walked on, are not skid resistant or are otherwise in a dangerous or unsafe condition.
- Defects involving **structural integrity**, which shall mean a flag that has a common joint (not an expansion joint) with a defective flag, and that has a surface crack that meets from one joint to another joint.
- **Non-compliance with DOT specifications for sidewalk construction.**
- **Patchwork**, which shall mean (i) less than full-depth repairs to all or part of the surface area broken, cracked or chipped flag(s) or (ii) flag(s) which are partially or wholly constructed with asphalt or other unapproved non-concrete material.

2. What is a sidewalk violation?

A sidewalk violation is an official notice issued by DOT stating that your sidewalk is defective. There is no fine associated with a violation. A copy of the notice is filed with the County Clerk and remains on file until the Clerk receives official notification from the City that satisfactory repairs have been made. A violation can complicate selling or refinancing your property.

3. Why does the City issue sidewalk violations?

The City issues sidewalk violations in order **to encourage property owners to repair their sidewalks to enhance public safety.**

4. Why was my property inspected?

DOT determines which properties should be inspected based on specific criteria, including blocks where injuries were reported to the City or where complaints were filed. Violations are issued in every neighborhood in the City.

5. I received a violation but it is not my property, what should I do?

Violations may occasionally be issued to an incorrect property. Match the **Preliminary Inspection Report (PIR)** with your property. Is it the same width? Does it match the dimensions of your property? Are there trees, signs, utility caps, cellar doors or other unique features? If it still appears that it is not your property, **call 311 and ask for "Sidewalk Violation Search"** in order to check if the Violation was issued correctly.

6. I received a violation, but I don't agree with it, what can I do?

If you look at your property and don't agree with the marked defects, you may request a re-inspection within 75 days of receiving a Notice of Violation. For a re-inspection, **call 311 and ask for "Dispute New Sidewalk Violation - Re-Inspection Request."**

7. What is a re-inspection?

A re-inspection is **a second inspection** of the sidewalk by a different inspector who does not have access to the PIR. You will be notified by mail, at least five days before the re-inspection date. Inspectors will not come to your door as they are prohibited from seeking out

property owners when conducting re-inspections. This is your final inspection. The results of the re-inspection will be mailed to you.

8. Does every flag marked with a number on the PIR have to be replaced?

Yes, the flags that are marked with numbers on the PIR will need to be replaced; and any defects must be corrected. In addition, it is recommended that any free-standing flags (marked as 6B on the PIR) be replaced. Free-standing flags are flags that become unattached due to necessary replacement of the adjacent defective flags.

9. What should I do once I receive a violation?

DOT recommends the following:

- Hire a contractor who is familiar with DOT specifications for sidewalk repair work as contained in Chapter 2 of Title 34 of the Rules of the City of New York.
- Once you have chosen a contractor, check to see whether your **contractor is licensed** and whether there are any consumer complaints pending against them.
- Once you have hired a contractor, make sure they obtain all necessary permits before beginning the work.
- If you choose to do the work yourself, then you must follow all DOT Specifications and also take out a permit. **Call 311 and request information regarding a "Sidewalk Construction Permit."**
- After the work is completed, **call 311 and request "Sidewalk Violation Dismissal Request - Work Done by Owner."** An inspector will come to verify that the work has been satisfactorily completed.

10. How much does a sidewalk permit cost?

Currently, the price of a permit to repair your sidewalk is **\$70 for every 300 linear feet of sidewalk** for any one property. The price of the permit covers the administrative cost of the permit as well as the cost of sending out an inspector to perform a dismissal inspection.

11. I received the notice of violation later than the date shown on the violation, when do my 75 days start?

The 75 days begin when the violation is received by the property owner as indicated on the certified mail receipt. In cases where the violation notice is not

delivered by certified mail, the violation will be mailed via regular mail as well as posted on the property. The posting date is the start of the 75 days.

12. If I don't do anything within 75 days of receipt of the violation, what will happen?

If you don't start the work within 75 days, the City may perform the work or cause the work to be performed by one of its contractors, and **bill you for the cost.** There is no fine or penalty associated with a sidewalk violation.

13. I got the violation in the winter and I want to do the work privately, do I have to get the work started within 75 days?

Yes. A contractor should be scheduled to begin repairs as soon as the weather permits.

14. If I take out a permit, does it give me an extension?

No. A sidewalk permit does not extend the 75 day period to start repairs. If you want to repair your sidewalk pri-

vately, you or your contractor must take out a permit and begin the repairs within 75 days of receipt of the violation.

15. What happens if the City makes the repairs?

After all defects have been repaired, the City will notify the **County Clerk** to remove the violation from your property. **DOF** will then issue you a bill for the work and a monetary lien will be placed against your property. You have 90 days to pay the bill before interest accrues.

16. How much will it cost to fix my property if the City does the work?

To calculate the estimated cost, multiply the estimated square footage shown on the **PIR** by the cost per square foot shown on the letter that came with the Notice of Violation. If any of the area to be repaired is a driveway, use the 7" concrete cost for that area, otherwise use the cost of 4" concrete. However, **this is just an estimate.** The final bill may reflect additional repairs required to bring the sidewalk up to DOT standard specifications.



17. If the City does the work, do I have to pay for all of the flags that are replaced?

You are only responsible for the defective flags that are replaced. If any flag on your PIR is marked with an "X", the flag may qualify for replacement free of charge.

18. Is it possible to pay the City on a Payment Plan?

If you wish to request a payment plan for a sidewalk repair being **billed to you by DOF, you may do so at any one of the Finance Business Centers. For more information, call 311 and request "Sidewalk Repair Payment Plan."**

19. Will I get any notice before the City's contractor arrives to perform the work?

No. You will receive no formal notification. A consultant or representative of the City will photograph your sidewalk to document the condition before construction. They will mark the flags that must be replaced and then continue on to perform the work required.

20. My sidewalk is not an ordinary concrete sidewalk. Will the City replace it for me?

If your sidewalk is made of granite, slate, brick or some other non-concrete material and/or does not have 5'x5' scoring, your sidewalk is considered to be distinctive. The installation of a distinctive sidewalk must comply with all relevant rules, including obtaining approvals from DOT and the Public Design Commission of the City of New York. If you want to replace the distinctive sidewalk with the same material you must make arrangements to repair it privately.

21. My curb is missing or defective.

Property owners are encouraged to repair or replace missing or defective curb. DOT may repair or replace missing and defective curb at no cost to you.

22. Tree roots pushed up my sidewalk, what should I do?

If your sidewalk problems are caused by tree roots, **call 311 and request an inspection by asking for the "Trees and Sidewalks Program."** The **Department of Parks and Recreation (DPR)** will receive the request and arrange for a tree inspection. DPR will let the



Tree roots breaking through sidewalk.

property owner know if the sidewalk is eligible for repair under their **Trees and Sidewalks Program**. To repair the sidewalk using a private contractor, you should hire a licensed contractor who will obtain a work permit from DOT. DPR can assist you and your contractor with repairs to sidewalks around street trees free of charge. This work must be coordinated with DPR by **calling 311 and requesting a "Root and Sidewalk Consultation."** **Please note that no street tree roots can be cut without written permission from DPR.**

If you have received a Notice of Violation from DOT and the City repairs the sidewalk, the property owner will not be charged for the tree damaged flags as they are non-assessable.

23. My sidewalk has a vault or other structure underneath it. Will the City fix it for me?

No. The property owner is responsible for making the repairs. Fixing a sidewalk over a vault may require considerable structural work. If the defective portion of your sidewalk is over a vault, you must fix it privately.

24. My sidewalk was damaged by a utility company or other contractor. Do I have to pay for the repairs?

First, you should document your claim (photos, letters, etc.) and try to get the company who did the damage to fix it.

If there is a current, active project on the street or sidewalk you may **call 311 and request "Status of Active Street or Sidewalk Construction Permits"** in order to find out which company is performing work and may have caused the damage. (Alternatively, this information is available on DOT's website.)



Sidewalk repair and expansion of tree pit to accommodate tree root growth.

You may also **call 311 and request "DDC Project Inquiries and Complaints"** to check whether the contractor is working on an active City project. If there is no active project and you don't know who did the damage, you can request a search of permits issued on your property for a small fee. All permit search requests must be made in writing to:

**NYC Department of Transportation
Office of Litigation Services
Freedom of Information Law Unit (FOIL)
55 Water Street - 6th floor, NY, NY 10041**

Please provide a timeframe, the location and any other relevant details.

Claims against utility companies (Con Edison, National Grid, etc.) should be filed with their respective claims department.

Claims for damage allegedly done by a City contractor should be filed with the **Office of the Comptroller** within 90 days of the damage. For more information, **call 311 and ask to "File a Claim Against the City."**

25. What if the City's contractor causes damage to my sidewalk during the project?

If the City contractor causes damage to other sidewalk, through its own negligence, the contractor must make the repairs at no cost to you.

Please contact the **DDC borough office by calling 311 and asking for "DDC Project Inquiries and Complaints."**

Claims for damage allegedly done by the City should be filed with the **Office of the Comptroller** within 90 days of the damage. For more information, **call 311 and ask to "File a Claim Against the City."**

26. My property is in a Landmark or Historic District. Will the City fix it for me?

If your sidewalk is constructed with a special material, it is unlikely that the City will make any repairs. If your sidewalk is constructed with concrete, the City may make repairs or replacement with concrete. If you do the work privately, you must obtain a permit from the **Landmarks Preservation Commission**. For more information, **call 311 and request a "Landmark Building Alteration Permit."**

27. Does the new violation take the place of past sidewalk violations on my property?

Yes. This new **Notice of Violation** supersedes all previous notices of sidewalk violation.

28. If the City performs the work, how do I appeal the quality of work, the amount of work that was done or the accuracy of the measurements used to calculate my bill?

The **first step** in each of these cases is to write to the DDC borough office. (For Manhattan: Department of Design and Construction, Construction Borough Office 40 Worth St - 8th floor, New York, NY 10013 For all other boroughs: 30-30 Thompson Avenue 3rd floor, Long Island City, NY 11101)

You should specifically state the nature of the disagreement. All appeals to the **DDC borough construction offices must be in writing. Telephone calls and personal visits will not be considered appeals. If you are not satisfied with the response**, your next step is to file a Notice of Claim with the Office of the Comptroller. This notice must be filed within one year from receipt of the notice of account (bill). If the Comptroller's Office does not find in your favor, you may file a Petition of Appeal at the New York State Supreme Court, Small Claims Assessment Review Part. The petition forms will be provided to you upon request, at no cost, by the County Clerk's office. **There is a \$30 filing fee.** To be eligible, you must allege that at least 30 days have passed since the Notice of Claim was presented to the Office of the Comptroller and that they did not make a determination or they denied the claim. **Please note that all of the above procedures must be followed in the exact order outlined above.**



**Sidewalk and
Inspection Management
55 Water Street, 12th floor
New York, NY 10041**



NYC Sidewalks

**A Property Owner's Guide
To Address Sidewalk Defects**

Translated versions of this document
are available by contacting 311

