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Sidewalk Law Doesn't Include Curbstone, Says Court

A recent Kings County court ruling may help you avoid liability under the city's sidewalk law (Section 7-210 of the city's Administrative Code). That law requires owners to maintain the sidewalks abutting their buildings in a safe condition and makes owners of buildings with four or more apartments exclusively liable for any injuries caused by their failure to do so. But the court ruled that this responsibility doesn't extend to curbstones.

Here's what you should know.

Owner Escapes Liability for Trip-and-Fall

In the case that led to the ruling, a pedestrian stepped on a broken curb in front of a building, twisted her foot, and landed on the sidewalk. She sued the building owner

based on the city's sidewalk law. The court ruled that the owner wasn't liable. It said that the curbstone wasn't part of the sidewalk, for which owners are responsible under the sidewalk law. Curbstones remain the City of New York's responsibility and not the owner's responsibility [Irizarry v. The Rose Bloch 107 University Place Partnership].

Practical Pointer: The building in this case was a commercial building. But the ruling should apply equally to residential buildings, notes Manhattan attorney Adam Leitman Bailey. That's because the sidewalk law applies in the same way to both commercial and residential buildings. ■

■ Irizarry v. The Rose Bloch 107 University Place Partnership: NYLJ, 4/13/06, p. 19, col. 3 (Sup. Ct. Kings).

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