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

19. If I get any notice before the City’s contractor begins to perform the work required, will I receive formal notification? No. You will receive no formal notification. A consultant will look at 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? Only if you have received a Notice of Violation from DOT and the City repairs the sidewalk, the property owner will be responsible for the defective flags that are non-assessable.

21. I’m a property owner and I wish to request a payment plan for a sidewalk repair being billed to me by DOT. If you wish to request a payment plan, you may do so at any one of the Finance Business Centers. For more information, call 311 and request “Sidewalk Repair Payment Plan.”

22. My sidewalk has a vault or other structure underneath it. Will the City fix it for me? If the City performs the work, how do I appeal the City’s decision? If the City performs the work, you can request a search of permits done or the accuracy of the measurements used to determine the cost of the work. The petition forms will be provided to you upon request, at no cost, by the County Clerk’s office. If you are not satisfied with the response, your next step is to file a Notice of Claim with the Office of the Comptroller. If the Comptroller’s Office does not find in your favor, you may appeal to the New York State Supreme Court, Small Claims 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 establish 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 the procedures must be followed in the exact order outlined above.

Successful versions of this document are available at www.nyc.gov.
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 predominantly 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, repair and replace sidewalks and inspection quadrants, including 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, repair, reconstruct or replace the sidewalk pursuant to a Notice of Violation issued by DOT, after an inspection, DOT may perform the work and have a contractor perform the work and the Department of Finance (DOF) will bill the property owner pursuant to Section 19-152 of the NYC Administrative Code.

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. You will receive a Preliminary Inspection Report (PIR) with your violation. 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 that would result in a violation?

3. Who issues a sidewalk violation?

DOT issues a Preliminary Inspection Report (PIR) to each property owner stating that your sidewalk is defective. There is no fine associated with a violation. You will receive a Preliminary Inspection Report (PIR) with your violation. DOT recommends the following:

4. How much is your property inspected?

DOT determines which properties should be inspected based on specific criteria, including blocks where properties were reported to be City 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. Contact the Department of Transportation with Preliminary Inspection Report (PIR) with your violation. 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 that would result in a violation?

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 receipt of the PIR. You may request a re-inspection within 75 days of receipt of a Preliminary Inspection Report by contacting DOT at 311 and asking for a Sidewalk Violation Search in order to check if the Violation was issued correctly.

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

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.

11. 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.

16. How much will it cost to fix my property if I don’t fix it?

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. The final bill may reflect additional repairs required to bring the sidewalk up to DOT standard specifications.

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:

2. One or more flag(s), a square of sidewalk missing or a sidewalk was never built.

3. One or more flag(s) cracked to such an extent that one or more pieces of flag(s) may be loosened for walkable 300 lb.

4. For example, sidewalk flags with full-depth cracks that extend from joint to joint, and are 1/4” or greater.

5. An undetermined flag below which there is a void visible in a flag that rocks or slips on surface.

6. A trip hazard, where the vertical surface differences between adjacent sidewalk flags are greater than or equal to 1/2”, where a sidewalk flag contains one or more surface defects 1/” or greater in all horizontal dimensions or 1/2” or more in depth.

7. Improper slope, which shall mean (i) flag(s) that do not drain toward the curbs and retain water, (ii) flag(s) that must be replaced to provide for adequate drainage or (ii) a cross slope exceeding established standards.

8. Hardware defects, which shall mean (i) hardware not flush within 1/2” of the sidewalk surface flags that do not extend less than 1” when walked on, are not aligned or are otherwise in a dangerous or unhealthy condition.

9. Defects involving structural integrity, which shall extend from joint to joint, and are 1/4” or greater.

10. An undetermined flag below which there is a void visible in a flag that rocks or slips on surface.

11. A trip hazard, where the vertical surface differences between adjacent sidewalk flags are greater than or equal to 1/2”, where a sidewalk flag contains one or more surface defects 1/” or greater in all horizontal dimensions or 1/2” or more in depth.

12. Improper slope, which shall mean (i) flag(s) that do not drain toward the curbs and retain water, (ii) flag(s) that must be replaced to provide for adequate drainage or (ii) a cross slope exceeding established standards.

13. Hardware defects, which shall mean (i) hardware not flush within 1/2” of the sidewalk surface flags that do not extend less than 1” when walked on, are not aligned or are otherwise in a dangerous or unhealthy condition.

14. Defects involving structural integrity, which shall extend from joint to joint, and are 1/4” or greater.

15. An undetermined flag below which there is a void visible in a flag that rocks or slips on surface.

16. A trip hazard, where the vertical surface differences between adjacent sidewalk flags are greater than or equal to 1/2”, where a sidewalk flag contains one or more surface defects 1/” or greater in all horizontal dimensions or 1/2” or more in depth.

17. Improper slope, which shall mean (i) flag(s) that do not drain toward the curbs and retain water, (ii) flag(s) that must be replaced to provide for adequate drainage or (ii) a cross slope exceeding established standards.

18. Hardware defects, which shall mean (i) hardware not flush within 1/2” of the sidewalk surface flags that do not extend less than 1” when walked on, are not aligned or are otherwise in a dangerous or unhealthy condition.

19. Defects involving structural integrity, which shall extend from joint to joint, and are 1/4” or greater.

20. An undetermined flag below which there is a void visible in a flag that rocks or slips on surface.

21. A trip hazard, where the vertical surface differences between adjacent sidewalk flags are greater than or equal to 1/2”, where a sidewalk flag contains one or more surface defects 1/” or greater in all horizontal dimensions or 1/2” or more in depth.