



NEW YORK STATE SENATOR

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## Fixing Sidewalks, Breaking Bureaucracy

ANDREW J. LANZA September 11, 2019

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## **Mayor de Blasio Announces City to Stop Issuing Violations on Homeowners for Damage Caused by Street Trees**

NEW YORK—Mayor de Blasio and Speaker Heastie announced today the City will no longer issue violations to homeowners for sidewalk damage caused by City trees. The City will also ramp up sidewalk repairs under the Trees & Sidewalks program to address 5,500 priority sites over the next three years.

“We’re not just fixing broken sidewalks – we’re fixing a broken system,” said Mayor de Blasio. “We tripled funding for tree related sidewalk repair, but homeowners were still on the hook for problems they didn’t create. As a homeowner, I know how frustrating that is. Now, if a street tree causes damage, we’re taking care of it.”

“This has been a huge quality of life concern for my constituents who have invested their savings in purchasing a home, only to be hit with this liability through no fault of their own. The problems associated with these trees became very apparent as I have been knocking on doors and visiting with constituents,” said Carl E. Heastie, Speaker of the New York State Assembly. “I am glad that the Mayor de Blasio has recognized this issue and together we have developed a solution to take the burden off these homeowners.”

The City will stop imposing liens on one, two and three family properties that have sidewalk damage caused solely by City trees. DOT and the Parks Department will still inspect for dangerous sidewalk conditions, but the City, not the homeowner, will be responsible for fixing them if they are exclusively tree related.

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DOT will review the 50,000 existing notices of violation to determine which were caused exclusively by street trees and cancel the lien for any that meets the criteria. If the homeowner of the qualifying property is selling or refinancing their home, the City will expedite this re- evaluation.

“Our more than 650,000 street trees are a tremendous resource to the city, but over the decades root growth has caused conflicts on our city’s sidewalks,” said NYC Parks Commissioner Mitchell J. Silver, FAICP. “Our plan to repair all backlogged sites over the next three years, combined with new policies around sidewalk violations, will ensure that trees remain a boon to New Yorkers and not a burden. We’re thankful for the support from Mayor de Blasio and our partnership with NYC DOT to find a path forward on this issue.”

“DOT works with property owners to make our sidewalks safe, but when City-owned tree roots are the culprit, homeowners should not be liable,” said DOT Commissioner Polly Trottenberg. “We will review our records for violations and liens that can be cancelled as we work closely with Parks on this common sense initiative.”

In 2005, the Parks’ Department “Trees & Sidewalks” program was created to benefit homeowners of one to three family homes by repairing severely damaged sidewalks impacted by street tree growth. Today’s announcement builds upon the \$16 million funding increase for the Trees and Sidewalk Repair Program in 2017. This tripled available funding and expanded Parks’ capacity to conduct inspections and sidewalk repair. There are approximately 5,500 high priority damaged sites that will be repaired by the end of FY ‘22. After that, the worst sidewalk conditions caused by street trees will be repaired within 12 months.

To meet increased need, the Parks Department has worked to build capacity and attract more contractors by increasing their solicitation outreach; offering varied contract sizes;

minimizing contract requirements to the extent possible; and improving site densities.

View a map of all sidewalk inspections and upcoming repairs [here](#) and request an inspection through the Trees & Sidewalks program [here](#).

“Representing a district that has a significant amount of homeowners, this announcement is welcome news; especially to homeowners that far too often face the issue of sidewalk damage caused by city-owned trees, due to no fault of their own. Homeowners already face heavy burdens and responsibilities in maintaining their property, and this measure has the potential to provide significant economic relief and allow property owners to focus on other necessary maintenance for their homes. I applaud Speaker Heastie and Mayor de Blasio for their initiative in aiding homeowners by no longer issuing violations for sidewalk damage caused by city trees, as well as rapidly accelerating sidewalk repairs,” said State Senator Jamaal Bailey.

"The new sidewalk repairs policy is great news for all property owners, including in southern Brooklyn, who have borne the burden of costly repairs and slammed with unfair violations. Thanks to Assembly Speaker Carl Heastie and Mayor de Blasio for acting to give property owners some much-needed re-leaf from this deep-rooted problem. This will create safer sidewalks and less stress for many New Yorkers,” said State Senator Andrew Gounardes.

State Senator Andrew Lanza said, "This is good, sound policy. Far too many homeowners have had the frustrating experience of leaping through bureaucratic hurdles because of sidewalk issues that should never have been their responsibility. I commend Mayor de Blasio and Assembly Speaker Heastie for leading the charge and working to bring much needed improvement to the Trees & Sidewalks Program."

"Homeowners have enough on their hands to deal with than being fined for damage to sidewalks caused by city-owned trees. The Trees and Sidewalks program will help repair sidewalk damage, improve pedestrian safety and take the responsibility away from homeowners who pay enough for other needed household and property repairs. I commend this new effort," said Assistant Speaker Felix W. Ortiz.

"Assembly Speaker Carl Heastie and Mayor Bill de Blasio's plan to halt imposing sidewalk violation liens on one-, two- and three-family properties that have been caused solely by City trees is a great relief to constituents in the tree-lined communities I represent. This agreement will address the delicate balance between the urgent need for urban trees and the frustrated homeowners who have to deal with the insurance liability and costly repairs encumbered on them when a mature tree's roots break or lift their sidewalk. The City's willingness to accept responsibility will go a long way in relieving the anxiety many property owners feel when a city tree is planted in front of their homes," said Assembly Member Michael Benedetto.

"With so many one-, two- and three-family homes in my district, this is a great benefit for the thousands of homeowners who have been subjected to unwarranted violations from the City," said Assembly Member Steven Cymbrowitz. "Thank you to Assembly Speaker Carl Heastie for working with Mayor de Blasio on this important initiative."

"Thanks to Mayor de Blasio for changing policy and ending the practice of issuing violations to homeowners for sidewalk damage caused by trees. We are pleased that the Mayor's office is taking action on this issue and providing relief to homeowners by repairing sidewalk damage. We had been advocating to address this problem for years and we're happy to have worked with the mayor and the Administration to reach this resolution," said Assembly Member Michael DenDekker.

"It is tremendous that New York City will begin taking more responsibility for our street tree program and the associated damage to sidewalks. While having more trees in our neighborhood is wonderful, it is not okay for a homeowner to be consistently forced to repair their sidewalk at significant personal expense every few years as tree roots continue to grow. Thank you to Speaker Heastie and Mayor de Blasio for crafting a solution to this problem, and I look forward to an expedited and efficient implementation on behalf of homeowners everywhere," said Assembly Member Jeffrey Dinowitz.

"I commend Speaker Heastie and Mayor de Blasio for announcing that the City will no longer issue violations to homeowners for sidewalk damage caused by uprooted trees. The administration will also be addressing the back log of repair requests to assure residents of Staten Island and all of New York City a more timely resolution to our crumbling sidewalks. It's critically important that we make sure small businesses, places of worship, schools and households with more than three residents also benefit from this new policy," said Assembly Member Charles D. Fall.

"Violations to homeowners for sidewalk damage caused by City Trees has been a huge burden to bear. Homeowners in the 29th Assembly district will be pleased to know that no longer will be violations be imposed on them for city property and that also existing violations will be under review. Thank you Mayor De Blasio, Speaker Heastie and DOT for your due diligence and hard work," said Assembly Member Alicia Hyndman.

"Fining homeowners for damage caused by city trees was wrong and I am happy that Mayor de Blasio has acknowledged the unfair policy and is changing it," said Assembly Member Nicole Malliotakis.

"I am super delighted to receive the news of this agreement which is long overdue. I commend and thank Mayor de Blasio and Speaker Heastie for working together to finally rid

homeowners of this costly and unintended consequence of the city's efforts to beautify our neighborhoods. Homeowners should never be shouldered with the burden of fixing sidewalks damaged by trees planted by the city. This common sense agreement clearly says the Mayor and Speaker have figured it out and did the right thing. Thanks to both of them, many of my constituents will be applauding all the way to the bank," said Assembly Member Nick Perry.

"I am so pleased that the City will now step in to repair sidewalks when City trees and roots have caused the damage. This is a common occurrence throughout my district, causing residents to have to repair sidewalks piecemeal at their own expense and has also spawned inconsistent, and some would argue, selective enforcement. This issue is simply much better addressed by the City through a uniform, systematic approach rather than piecemeal by individual residents. I thank Mayor Bill de Blasio and Speaker Carl Heastie for stepping in to address this problem," said Assembly Member Jo Anne Simon.

"Street Trees are an important part of our urban landscape but have caused homeowners many headaches over the years due to sidewalk damage. Ending the imposition of liens and violations to homeowners for damage caused by city trees is a commonsense policy that will improve the quality of life for many people in my district and across the entire city," said Assembly Member David I. Weprin. "I thank Mayor Bill de Blasio for strengthening the city's commitment to the Trees and Sidewalks Program and prioritizing 5,500 damaged sites."

Council Member Peter Koo, Chair of the Committee on Parks and Recreation, said, "Today's policy change is welcome news to thousands of homeowners who for years have been forced to pay for tree damage that is largely out of their control. In the past, tree damage on sidewalks has unfairly saddled homeowners with the responsibility for trees they don't own, and by righting this long-standing wrong, the city looks to finally provide some semblance of financial relief to property owners throughout the city. I look forward to working the

Mayor's Office, Parks Department and Department of Transportation on implementation."

"For nearly six years my office has fielded relentless complaints about liens placed on homes because of a sidewalk cracked by City tree roots," said Council Member Costa Constantinides, Chair of the Environmental Protection Committee. "I'm glad to see today that a bad status quo is changing and the government is taking ownership where it should have all along. It's encouraging to see this also means a review of the 50,000 existing violations to determine whether the burden should be on the City. I applaud the City for taking leadership to help our homeowners, particularly those in Queens."

"I get dozens of calls from constituents who are grappling with the city's tree and sidewalk repair program, which is one of the reasons why I worked with the administration on laws that created a public "Tree Portal" website to bring some transparency to the process and to provide homeowners with more time to fix broken sidewalks before a lien is placed on their homes. I am pleased the administration is doing the right thing by placing a moratorium on violations for sidewalk damages caused by city trees, because ultimately it is the city's responsibility to fix them," said Council Minority Leader Steven Matteo.

"The announcement that the city will stop issuing violations for city tree damage is great news for homeowners across New York City," said Council Member Adrienne Adams. "Over the past few years I have heard from many Queens homeowners burdened with costly violations and repairs. Sidewalk damage can be incredibly dangerous and it is great to see that repairs will be prioritized by the city. I thank Mayor de Blasio for acting on the concerns of residents and enhancing the Trees and Sidewalks program."

"In the parts of Brooklyn I represent, there are a lot of low-income homeowners who are feeling the pressures of paying for the necessities: rent, groceries, healthcare and more. It's unfair to force these homeowners to pay out of pocket for damages and the City should be



working as hard as possible in order to lift these burdens. I'm thankful to Mayor de Blasio for making this helpful and important decision," said Council Member Rafael Espinal.

"I want to commend Mayor de Blasio and Speaker Heastie for their efforts to end homeowner violations for sidewalk damage caused by street trees. It is not right when hardworking New Yorkers are fined for property damage resulting from overgrown trees that uproot the sidewalk. It is important for the city of New York to improve its maintenance of residential sidewalks while also making a long-term investment that benefits homeowners and pedestrians. This has been a burdensome situation that affects so many New Yorkers and I am pleased that something is being done to correct this policy," said Council Member Mathieu Eugene.

"Tree-lined streets are vital to our health and wellbeing, but often come at the cost of homeowners who have been unfairly burdened with the responsibility of maintaining the infrastructure of both city and privately-owned property. Our city's landscape should never be a detriment to homeowners who are buried in violations while struggling to pay increasing property taxes and other fees. I want to thank Mayor Bill de Blasio for providing a huge sigh of relief and breath of fresh air to homeowners who were once left with the hefty price tag of sidewalk repairs," said Council Member Farah N. Louis.

"Homeowners across all five boroughs received welcomed news today: they will no longer receive violations for sidewalk damage caused by City trees," said Council Member Antonio Reynoso. "Under this change, homeowners will no longer have to bear the financial repercussions and threat of lien sale for something that is outside of their control. This will have a meaningful impact for homeowners and residents, especially those who are low-income. I thank the de Blasio Administration and Speaker Heastie for delivering this welcomed news to New Yorkers."

"Homeowners across New York City deal with far too many burdens outside of their control, which is why putting an end to violations for damage caused by trees is such a big win for many New Yorkers who have been saddled with unfair fines," said Council Member Donovan Richards. "Everyone deserves trees in their neighborhood, but they shouldn't be the ones handed the bill when city-planted roots destroy city property. I'd like to thank Mayor de Blasio finally righting this wrong and forgiving any liens that occurred to no fault of the homeowner."

"I applaud the city's decision to relieve homeowners of the financial burden incurred by city street trees, and the decision to proactively ramp up inspections and repairs for dangerous sidewalk conditions. This is welcome news for homeowners across my district, which has among the highest numbers of tax liens in the city -- a win for homeowners and all who use our city sidewalks," said Council Member Debi Rose.

"I'm grateful to Mayor de Blasio and Speaker Heastie for taking action to address a longstanding issue for many homeowners in our city. Far too many homeowners have waited years for the City to repair sidewalks damaged by street trees, some facing cancellation of their insurance policies because of the City's inaction and punitive violations. These common sense reforms will help New Yorkers currently caught in a bureaucratic gap between City agencies, and help us achieve important resiliency upgrades by greening our streets," said Council Member Mark Treyger.

"I am pleased to hear the City will make these important changes to its sidewalk violations system, which for too long posed real quality of life and financial concerns for homeowners in Northeast Queens dealing with sidewalk damage caused by a City tree," said Council Member Paul Vallone. "Shifting the liability for street tree-related sidewalk damage away from homeowners and back to the City will bring long overdue relief to impacted homeowners throughout the entire City of New York."

"As the president of a community group, a homeowner and a local realtor I am excited to hear this news. Many a real estate transaction have been impacted by these sort of liens or violations that typically don't show up until the final days when seller and buyer are anxious to move. For homeowners impacted by city tree damage to their sidewalks it is only fair that they not be further harmed by such penalties and delays. I think this is a wonderful step forward for homeowners and communities and may also add to the appreciation and love for our beautiful new street trees being planted when the risk of being fined or penalized for their damage is removed," said Erin E. Lee, President of Women of Woodlawn.