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Rights of People with Disabilities Regarding Impassible Sidewalks

The federal Americans with Disabilities Act, New York State Human Rights Law and New York City Human Rights Law require businesses, the city and most residential property owners to eliminate obstacles which make their sidewalks impassible for people with disabilities.

New York City law requires businesses and most residential property owners to maintain the condition of their sidewalks so that people are not injured by cracks or other potential obstacles in their path.

The City is responsible for maintaining sidewalks next to one, two or three family homes that are privately owned.

The City is also responsible for maintaining the sidewalks next to its own property, such as municipal buildings, intersections and vacant lots.

What are Your Rights as a Person with a Disability?

You have the right to ask property owners to repair or remove the obstacle that makes the sidewalk in front of their establishment impassible. This is called a reasonable accommodation.

How do you ask a private property owner for a Reasonable Accommodation?

In the case of a private business or residential building, write a letter to property owners or managers explaining that you are a person with a disability who cannot travel past, into or out of their establishment because of the condition of their sidewalk. Ask to meet with the owner or manager to discuss the issue and give them a time limit to respond to your request.

How do you ask the City for a reasonable accommodation?

You have the right to ask your landlord for a "reasonable accommodation," which is a change in the landlord's practices and procedures or a change to the physical space of either your apartment or public areas in your building. A "reasonable accommodation" must relate to your specific disability, not impose extremely high costs on your landlord, harm the rights of other tenants, or fundamentally change the nature of the services the landlord provides.

What if the property owner fails to respond or denies your request?

You may have the right to sue the property owner in court.

If the property owner is the City, a complaint must have been made with the Department of Transportation, notifying it of the defective sidewalk before you are allowed to sue them in court.

You may also file a discrimination complaint with a city agency called the New York City Commission on Human Rights (212-306-7500).

In addition, you may file a discrimination complaint with a state agency called the New York State Division of Human Rights (212-961-4800).

For more information, talk to one of our disability-advocates or lawyers (212)-244-4664.