



NEW YORK STATE SENATOR

Tony Avella

## Senator Avella Reprimands Dot for Issuing Unwarranted Violations on Homeowners

TONY AVELLA September 1, 2015

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(QUEENS, NEW YORK) Today, State Senator Tony Avella was joined by Queens residents who have been wrongly issued violations by the Department of Transportation (DOT) to demand better oversight of the agency's action on homeowners with sidewalks damaged by City owned trees. While the Department of Parks and Recreation (DPR) is responsible for resolving City tree-damaged sidewalks, DOT continues to levy violations on homeowners who have incurred them through no fault of their own.

Tree roots routinely cause significant damage to residential sidewalks, and can expose homeowners to severe financial and legal liability. Although homeowners are responsible for ensuring the safety and quality of the sidewalks abutting their property, they are unable to refuse trees planted by the City or provide any preventative

maintenance. Furthermore, repairing a damaged sidewalk and removing the responsible tree is an incredibly costly procedure and homeowners should not feel pressured into taking on unjust expenses to clear a violation that should not have been assessed in the first place.

Because damage is caused by City trees, the onus for repairs should ultimately be placed upon the City. Repairing sidewalks damaged by City trees is a responsibility placed upon DPR's "Trees & Sidewalks" program which was created specifically for resolving this issue. When a homeowner asks to be placed into the program, DOT should clear the previous violation. However, DOT continuously fails to properly communicate with DPR and repeatedly burdens homeowners with violations that take excessive amounts of time to clear and can prevent them from selling their property.

Senator Avella called for increased oversight between DPR and DOT and demanded that homeowners be cleared of their violations. Despite DOT's notices specifying that the only present damage had clearly been caused by a City tree, with no routine wear-and-tear, DOT's procedure has varied wildly in each case the Senator has brought before them.

"The lack of communication between the Department of Transportation and the Department of Parks and Recreation is disgraceful. Why should homeowners bare the costly burden of rectifying what is the City's responsibility? It is inexcusable that DOT has targeted homeowners and not the Trees and Sidewalks program specifically created for this issue. I demand that DOT cease issuing these erroneous violations and resolve the root of the problem by working in conjunction with the Department of Parks and Recreation," **said State Senator Tony Avella**

"My dad, when he had his stroke, was not able to ambulate and his mobility was severely restricted. I couldn't get him to the car; I had to take him straight out into the road to get him into the van. He's not the only elderly person in a wheelchair here... There are kids on bicycles... It's just an accident waiting to happen," **said local resident Sallyann Castle**

"This is a violation against my property. It's a concern, should I want to sell my home or should someone just trip over the sidewalk. That's my responsibility and I'm going to be at fault. I'm trying to get the city to do its job so that I'm not exposed to it," **said local resident Conrad Tompkins**