

ASSEMBLY BILL 22

SIDEWALK REPAIRS

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SUMMARY

Assembly Bill 22 would require a City or County to seek local voter approval before repealing an ordinance requiring that City or County to repair sidewalks that are damaged as a result of tree root growth.

AB 22 would allow homeowners to determine whether a city or county can pass on the cost and liability of sidewalk repairs to individual homeowners.

BACKGROUND

The City of Los Angeles' curb and sidewalk repair ordinance dates back to 1974, and requires adjoining homeowners to repair sidewalks when necessary. However, the city's ordinance specifically exempts homeowners from repairing sidewalk damages that are a result of tree growth from trees planted by the city.

The Los Angeles City Council is considering a proposal that would repeal this provision of its ordinance. This would make homeowners responsible for \$1.5 billion in sidewalk repair costs that the city had assumed, but did not adequately address, for nearly 40 years. Worse yet, the costs would not be spread out evenly, but thrust upon those unlucky homeowners who happen to live in the wrong place at the wrong time.

Of Los Angeles' 10,750 miles of sidewalk, more than 42 percent are in disrepair – most as a result of tree growth.

In repealing its sidewalk repair responsibilities, the City would expose homeowners to new legal liability due to trip-and-fall claims caused by poorly maintained sidewalks. Currently, as a result of impaired pedestrian access from cracked and uprooted sidewalks, the City of Los Angeles spends between \$3 million to \$5 million a year in order to cover costs stemming from trip-and-fall lawsuits.

The Los Angeles experience highlights a broader state interest in protecting voters from being disproportionately passed along municipal costs without their consent. For this reason, AB 22 requires voter approval for local governments to abdicate financial responsibility for sidewalk repairs.

THIS BILL

This bill would not be a state mandate, and would:

- Prohibit a city or county that has an ordinance requiring it to repair or reconstruct streets, sidewalks, or driveways that have been damaged as a result of tree growth from repealing the ordinance without majority approval on a ballot.
- Apply to charter cities and counties.