



Contact: Claims (585) 428-7290

**INSTRUCTIONS FOR FILING A STATE LAW CLAIM AGAINST THE CITY OF ROCHESTER**

To make a claim for damages (including personal injuries) under state law, against the City of Rochester, you are required to take the following steps:

- 1) Within 90 days of the event that caused the damage, you must file a notarized claim with the City of Rochester. In most cases, state law prohibits the City from paying a claim served after 90 days. Your claim must be in English or accompanied by an English translation and affidavit of the translator stating his/her qualifications and that the translation is accurate (CPLR Section 2101(b)). You may use our form or submit a letter.
- 2) Your letter must contain:
  - a. Your name and address; your attorney's name and address (if you are being represented by an attorney at this time);
  - b. Time, date and place of the event. BE SPECIFIC: e.g., "broken sidewalk in front of 30 Church Street" or "northwest corner of Church and Fitzhugh." Just stating "Church Street" is too general.
  - c. Describe the damage or injury, and tell how the injury happened. If property damage is involved, describe property; give license plate number and state of registration for cars and other vehicles.
- 3) Your signature on the letter must be witnessed by a Notary Public or Commissioner of Deeds (most banks provide Notary Public services).
- 4) Your letter must be served either in person, or by certified or registered mail, on the Corporation Counsel, Room 400A, City Hall, 30 Church Street, Rochester, New York 14614. \*

Although not required, it would help us handle your claim if you also included as much of the following information as possible:

- Your telephone number at home and at work.
- Itemized repair bills, or itemized estimates; medical and hospital bills; and any other evidence that supports the amount of your damage. Send any documents you have within 90 days. DO NOT wait beyond 90 days to send in your claim letter, even if you do not have all of your bills.
- Names and addresses of any witnesses.
- Any other information about the event that you can recall.
- Dates, name of Court, Judge and disposition of any court appearance related to the claim.

Please remember that the law allows the City to pay only for damages caused by City operations, and for which the City is legally liable. Also, the City can pay only to repair or replace damaged property with comparable materials. For these reasons, accurate estimates or repair bills are essential, and you should get them from a qualified professional. Please note that the City is not required to pay for damages resulting from a defect in a street or sidewalk (such as a pothole or a crack) unless the City Engineer was notified of the defect, in writing, before the damage occurred and had a reasonable time to fix it. There are also other legal defenses to certain types of claims, which could result in the denial of your claim.

\*Service can also be made on the City Treasurer, Room 111A; City Clerk, Room 301A; Director of Finance Room, 109A or the Mayor, Room 307A.

## **COMMON QUESTIONS ABOUT FILING CLAIMS AGAINST THE CITY OF ROCHESTER**

### **HOW WILL MY CLAIM BE HANDLED?**

The City of Rochester Law Department will log in your claim and a file will be opened. You will receive a letter with your file number. The Law Department will then gather information about your event from various sources. You may contact the Law Department if you learn of any new information important to your claim. The claim and any information obtained regarding your claim will then be discussed at a weekly claims meeting. A decision as to payment or disclaimer; further investigation; referral to a contractor; or assignment to a City staff attorney will be made. If the claim is assigned to an attorney, you may be required to answer questions under oath and, in an appropriate case, to be examined by a physician selected by the City.

### **CAN I DO ANYTHING TO SPEED THE REVIEW OF MY CLAIM?**

We can review claims more quickly if your claim is accurate and detailed. It is important that the exact location of an incident or defect be given, and you should identify any witness and/or City employee at the scene, if possible. Please remember that the City can pay only to repair or replace damaged property with comparable materials. For these reasons, an accurate estimate or repair bill is essential, and should be obtained from a qualified business.

### **WHY MIGHT MY CLAIM BE DENIED?**

The City of Rochester takes claims very seriously and only denies claims for valid reasons. The most common reasons are:

- The existence of a defense under law which precludes liability.
- Failure to file the claim on time – within 90 days from the event, in most circumstances.
- The event was caused by someone or something other than the City. The city contains hundreds of miles of streets and sidewalks. Because of that, the law states that the City is not required to pay for any damage or injury resulting from a street or sidewalk condition (such as potholes, cracks, snow and ice), unless the City Engineer was notified in writing before the damage occurred and had reasonable time to fix it. We will notify you if we find that the Engineer did not have prior written notice.

The City is not alone in working in and under its streets. The utility companies, the County Pure Waters Agency, and contractors serving private property owners all have occasion to work in the streets. If a City contractor is involved, your claim will be sent to the contractor and its insurer. If we learn that your events involved some entity other than the City, or its contractors, you will be notified. Similarly, we will notify you if we find that your event occurred outside of the City, or on property controlled by someone other than the City.

### **WHO CAN I CONTACT FOR INFORMATION ABOUT MY CLAIM?**

The City of Rochester's Law Department has the duty of investigating and acting upon your claim and will be in the best position to discuss your question. Please contact the Law Department at (585) 428-7290 or e-mail the Claims Paralegal: [Geron.Harris@CityofRochester.gov](mailto:Geron.Harris@CityofRochester.gov).