



## **Sidewalk Repair Cost Assistance Program**

To qualify for the Sidewalk Repair Cost Assistance Program, applicants must satisfy either of the following sets of eligibility requirements (Category A or B):

### **Category A**

- Titled residential property owner must be **65 years of age or older**.
- Active utility account for the cited property in the applicant's name.
- Cited property must be applicant's primary address.
- Combined annual household income of \$25,000 or less.

### **Category B**

- Titled residential property owner must be **certified medically as being totally (100% disabled)**.
- Active utility account for the cited property in the applicant's name.
- Cited property must be applicant's primary address.
- Combined annual household income of \$25,000 or less.

## **APPLICATION GUIDELINES**

1. To register, applicants must complete and return a Sidewalk Repair Cost Assistance Program application with all required documentation, as described below.
2. The following required documentation must be submitted with the application:
  - a. If applying under Category A or B:
    - i. Proof of age (Examples: copy of birth certificate, driver's license, Medicare card)
    - ii. Proof of combined annual **household income** of \$25,000 or less

- Annual income must include all (gross) wages, pensions, social security, interest, dividends, rental and royalty income, etc.
- iii. Household income is defined as the combined (gross) income for all individuals residing at the applicant's address. If one or more individuals, other than the applicant, reside at the applicant's address and generate income, proof of that income must be submitted with the application. (Examples: copy of most recent federal income tax return or copy of applicant's most recent Social Security statement.)
  - b. Additionally, if applying under Category B (above), a Disability Verification form (see reverse side of application) establishing total (100%) disability must be completed by your physician.
3. Mailed applications must be notarized. Applications delivered in person by applicant or by an applicant representative providing power of attorney need not be notarized.
  4. The City of Memphis reserves the right to reject any application which fails to meet stated application requirements.
  5. The City of Memphis reserves the right to impose a lien against the subject property to recoup sidewalk repair costs if false information is provided by the applicant.
  6. POWER OF ATTORNEY: Applicants unable to complete the application process may utilize legal assistance. In such cases, power of attorney documentation must be submitted with the application.
  7. NOTICE OF APPROVAL OR REJECTION: The City of Memphis will notify the applicant of approval or rejection within 45 days of receipt of application by the City. Any legal taken by the City against the applicant for non-compliance with the City's sidewalk ordinance will be put on hold pending the processing of the applicant's request for assistance. Applicants are instructed not to call the City requesting status information during this processing period.
  8. PRIVACY: Information provided by the applicant will be used for the purpose of determining eligibility for this program only and will not be used for any other purpose. Applicants are allowed to mark through or redact Social Security numbers on any documents provided.

**CITY OF MEMPHIS**  
**SIDEWALK REPAIR COST ASSISTANCE PROGRAM APPLICATION**

(Please read the enclosed eligibility guidelines before completing application)

1. Applicant's Name: (please print) \_\_\_\_\_
2. Street Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_
3. Telephone: \_\_\_\_\_
4. How many people live at the applicant's address? \_\_\_\_\_
- List the names and annual income(s) of each person below (please print):

	First	Middle	Last	Date of Birth	*Gross Annual Income
Applicant					
Other					
Other					
Other					
(If more than four people, list on separate sheet of paper)				Total Combined Household Income	

\*Gross annual income(s) include all wages, pensions, social security, interest, dividends, etc.

5. Is applicant certified medically as being totally\* (100%) disabled? ☐ YES ☐ NO ☐ Does not apply

\*Totally (100%) disabled means being unable to engage in any substantial gainful employment because of a physical or mental condition. To qualify as totally disabled under this program, a physician must certify that your disability has or is expected to last for at least one year or to result in death.

**Supporting Documents Required:**

- Copy of applicant's most recent MLGW utility bill (Must be in applicant's name)
- Copy of applicant's birth certificate or driver's license or Medicare Card
- Proof of annual (gross) income for each person listed under (4) above. (Federal income tax return, Social Security statement, etc., as applicable, from most recent year)
- If answer to question (5) above is YES, have physician complete enclosed Disability Verification.

I certify to the best of my knowledge that all of the information provided by me in this application is true and accurate. I also authorize the verification of any and all information for the purpose of certification. I understand that anyone who fraudulently covers up a material fact or who knowingly gives false information required for eligibility determination is subject to prosecution under applicable criminal laws.

**APPLICANT SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Application must be notarized here (application will not be processed if not notarized):**

In the County of Shelby, Tennessee, sworn and subscribed before  
me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Seal Here)

Notary: \_\_\_\_\_

***Return application (with all required supporting documents) to:***  
**City of Memphis Construction Inspections**  
**2599 Avery Ave.**  
**Memphis, TN 38112**

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ Reviewed by: \_\_\_\_\_

Approved/Denied: \_\_\_\_\_ Comments: \_\_\_\_\_

## DISABILITY VERIFICATION

(Must be completed and signed by physician of applicant)

To applicant's physician: The patient referenced below has applied for financial assistance under the City of Memphis' Sidewalk Repair Cost Assistance Program. The medical information requested below is need to confirm the applicant's claim of total disability\*, which is a requirement for such assistance.

Applicant Name: (please print) \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Is the above-named applicant presently under your medical care? ☐ Yes ☐ No

Current Health Issues: \_\_\_\_\_

Which of the following best describes the patient's overall health? (check one)

- ☐ **Good physical and mental health.** (Patient has no significant illnesses or disabilities. Only routine medical care, such as annual check-ups, is required.)
- ☐ **Mild physical and/or mental impairment.** (Patient has only minor illnesses and/or disabilities which might benefit from medical treatment or corrective measures)
- ☐ **Moderate physical and/or mental impairment.** (Patient has one or more diseases or disabilities which are either painful or require substantial medical treatment.)
- ☐ **Total physical and/or mental impairment.** (Patient has one or more illnesses or disabilities which require extensive medical treatment which are either severely painful or life-threatening.)

Medical improvement is: (check one)

☐ Expected ☐ Possible ☐ Not expected

Is the patient currently physically able to work? ☐ Yes ☐ No

- If no, do you anticipate patient being able to work in the next 12 months? ☐ Yes ☐ No

The responses to the above questions are complete and accurate to the best of my knowledge:

Physician Name and Name of Practice: \_\_\_\_\_

Physician Signature: \_\_\_\_\_  
(signature stamp not acceptable)

Medical Specialty: \_\_\_\_\_

Office Address: \_\_\_\_\_

Office Phone Number: \_\_\_\_\_

Patient Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*For purposes of this program, the term "Totally Disabled" means being unable to engage in any substantial gainful work/employment because of a physical or mental condition and a physician has determined the condition has lasted, or is expected to last for at least one year or to result in death.



*Date*

Dear Sidewalk Repair Cost Assistance Program Applicant – *Property Address:*

Your application is APPROVED/DENIED.

*The City will have the necessary repairs done on a one-time basis by a third-party contractor at the City's expense. You will not be required to reimburse the City for this expense. Please note that if further repairs are needed in the future, you will need to submit a new application if you wish to receive assistance from the City.*

**OR**

*From our review of your application and the documentation provided, we have determined that you are not eligible for assistance under this program. Consequently, you must have the necessary repairs made to your sidewalk, as required the City's Code of Ordinances. We will be happy to provide you with a list of bonded contractors upon your request.*

Thank you for your cooperation. Please keep this letter for your records.

Sincerely,

City of Memphis  
Sidewalk Engineering  
*Phone Number*

## Encouraging Property-Owner Compliance with the City's Sidewalk Ordinance through Action in Environmental Court

### *A Joint Initiative of Sidewalk Engineering and the City Attorney's Office*

*In December 2013, representatives of the Engineering and Law Divisions met and agreed upon a course of legal action to supplement Engineering's efforts at addressing the disrepair of City sidewalks. This Sidewalk Initiative was approved by the Mayor and the City Attorney and implemented in January 2014.*

The Sidewalk Initiative is based upon two legal requirements:

It shall be the duty of every owner of property, whether vacant or occupied, within the limit of the city abutting on or adjacent to, any street, avenue, parkway, or other public street of the city, to keep clean and open for public passage all public sidewalks or walkways abutting on or adjacent to such property, and to keep such sidewalks or walkways in good repair and condition. **Memphis City Code of Ordinances, Sec. 12-24-3.**

Immunity from suit of a governmental entity is removed for any injury caused by a defective, unsafe, or dangerous condition of any street, alley, sidewalk or highway, owned and controlled by such governmental entity . . . This section shall not apply unless constructive and/or actual notice to the governmental entity of such condition be alleged and proved . . . **Tennessee Governmental Tort Liability Act, T.C.A. 29-20-203.**

It is the responsibility of every Memphis property owner to keep his/her sidewalk in good repair. It is the responsibility of the City, however, to make sure that its property owners fulfill their obligation to maintain their sidewalks. If the City knows of a "defective, unsafe, or dangerous" sidewalk and fails to take action, the City is potentially liable for any injury resulting from the dangerous condition.

The City's Sidewalk Initiative involves three steps:

1. Upon receiving notice of a dangerous sidewalk condition, Sidewalk Engineering sends notice to property owner that repair is required within 30 days. Upon request, Sidewalk Engineering provides property owners with guidance on compliance with the sidewalk ordinance.
2. After a second notice to the property owner, the matter is forwarded to the City Attorney's office.

3. The City Attorney's office files Civil Warrants against sidewalk violators, requiring appearance in Environmental Court. If the property owner is unwilling to comply with the ordinance, judgment is sought authorizing the City to make necessary repairs and to bill the homeowner for those repairs.

Although there has been no change to the ordinance placing responsibility for sidewalk repairs with homeowners in almost thirty years, public awareness of the ordinance is not widespread. As part of the City's Sidewalk Initiative, we are striving to get the word out, with the help of neighborhood and other civic groups, about the responsibilities of property owners under the ordinance.

*In July 2014, the Administration implemented a Sidewalk Repair Cost Assistance Program for low-income seniors and disabled persons. The program provides for city-funded sidewalk repair in cases where the responsible homeowner has documented financial hardship and meets the program criteria. (pending approval)*

#### **Results to Date:**

January – April 2014

Notices to repair issued by Sidewalk Engineering: **70**

Of the 70 notices issued:

Repaired immediately by property owner, without need for litigation: **23**

Civil warrants issued: **47**

Of the 47 civil warrants issued:

Confirmed repaired, post-warrant: **13**

Dismissed for other reasons: **11**

Court orders issued for City to proceed with repairs and bill property owner: **7**

Suits pending: **16**

**Bottom line:** In a substantial majority of cases, property owners come into compliance in response either to a notice from the City or the filing of a civil warrant, without the need for further legal action. Now that the City Of Memphis is making it clear that sidewalk repair is an important part of its renewed focus on making Memphis one of the country's most livable cities, the word is spreading that all homeowners and property owners must do their part. As the property owner's duty to repair his/her sidewalk becomes common knowledge, the compliance rate is expected to increase dramatically.