

HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 2359 will sub SF 2146	House Committee:	PASSED on February 5 (20-1)
Committee:	Judiciary	House Floor:	
Floor Manager:	Rep. Gustoff	Senate Floor:	PASSED on March 2 (44-0)
Date:	April 15, 2026	Governor:	
Staff:	Amanda Wille (1-5230)		

Sidewalk Liability

- Clarifies who is responsible for sidewalks and the area between the sidewalk and the curb.
- Cities cannot fine owners for failing to maintain the sidewalk or the area between the sidewalk and the curb, however, landowners can be held liable for not maintaining the area if there are actual damages.
- Cities can recover money if the area between the sidewalk and the curb is not mowed and the city mows it.

Section by Section Analysis

Section 1 – Powers and Duties of Cities- Responsibility for Public Places (364.12)

Property owners are responsible for clearing their sidewalks from snow or ice but the city cannot assess fines for those who do not. Property owners may be liable if they do not use reasonable care to remove snow and ice if an individual can show actual injuries.

If a city ordinance requires, a property owner may be required to maintain the land between a sidewalk and the curb (this does not include diseased trees in that area). A property owner who does not use reasonable care may be liable. Cities cannot fine owners for failing to conduct maintenance on this area.

If the property owner does not do reasonable maintenance on the land between the sidewalk and the curb, if a city ordinance is in place, the city may mow the area or conduct maintenance and bill the property owner (materials, labor, and up to a \$20 admin fee). The city cannot fine the individual for not maintaining the area.

Section 2 –Effective Date

Effective upon enactment

Section 3- Retroactive Applicability

Act applies retroactively to June 13, 2024

Amendment Analysis

H- 8287 to HF 2359- Gustoff

Conforms HF 2359 to SF 2146 (analysis above)

H-8288 to SF 2146- Gustoff

The act does not apply to any lawsuit filed before the effective date of this act.