

Landlords Must Ensure That Proper Window Guards Are in Place, Says New York Personal Injury Lawyer

New York personal injury lawyer pushes for stronger window-guard enforcement after a toddler falls from a window that lacked guards and nearly dies.

NEW YORK, NEW YORK -- The 14-month-old Bronx girl who fell out a fifth-story window that lacked guards last week is expected to survive.

“Importantly, the girl survived. But, frustratingly, her fall should have never happened in the first place,” said [New York personal injury lawyer David Perecman](#), “City agencies that enforce the law on window-guards need to place the safety of children as a top priority. Parents and caregivers of children also need to take maximum precautions.”

Window guards have been required in apartments where children ten years old and younger live since 1976. New York personal injury lawyer Perecman understands that the code puts the burden on landlords to determine where those children live. Building owners need to send every tenant a notification form once a year, so that a need for new window guards may be reported.

“The deaths and life-altering [personal injury to children](#) who fall from windows are in many cases preventable,” said [New York personal injury lawyer](#) Perecman, owner of a [New York personal injury law firm](#), The Perecman Firm.

An audit, released a day after 2-year-old Xania Samuels nearly died, revealed that the city had dismissed 46% of window-guard violations without checking whether child-safety measures were later installed.

When a Housing Preservation and Development (HPD) spokesperson said that the city's ability to respond to complaints about window guards and enforce compliance needed to be streamlined and enhanced, [New York personal injury lawyer](#) Perecman was quick to agree.

Currently, when the Department of Housing (DOH) finds that a window guard violation was not corrected after a landlord has been notified, the case is referred to HPD, which is charged with gaining access to the apartment to add the window guards. According to the audit, at times, the HPD dismissed the violation without verification that the guards had been added. In other cases, the HPD could not gain access to an apartment so the case went back to the DOH, which had no process in place for handling it. Reportedly, other violations were mistakenly dismissed due to data entry mistakes.

Despite the need for tighter regulation in New York, [personal injury lawyer](#) Perecman understands that the law has been an effective one. In 1976, there were 217 individuals

who fell out of windows. Last year there were five preventable falls, and none of them resulted in death.

According to Consumer Product Safety Commission (CPSC) data available to [New York personal injury lawyers](#), falls from windows result in an average of about eight deaths a year to children five years or younger, while an estimated 3,300 children ages five and younger are treated each year in U.S. hospital emergency.

To help prevent tragedy and [personal injury caused by falls](#) from windows, the CPSC recommends that parents and caregivers: Use window guards or window stops, never depend on screens, open windows from the top, keep furniture away from windows, and, in New York, have the landlord install a guard.

“People who have children younger than 11 and are living in an apartment are required to have guards on their windows under [New York law](#),” personal injury lawyer Perecman said. “This law is on the books to prevent personal injury accidents from occurring. Falls from windows by young children are almost entirely preventable. Parents and caregivers must let their landlord know they want window guards.”

In New York, tenants may not refuse installation of window guards.

About David Perecman and The Perecman Firm, PLLC:

For the past 30 years, the personal injury accident, auto accident, construction accident, and medical malpractice lawyers at The Perecman Firm, PLLC have championed all types of cases concerning personal injury. David Perecman, founder of the Firm, is a Board Director and the past Secretary and Treasurer of the New York State Trial Lawyers Association (NYSTLA) and a chair of its Labor Law Committee. Mr. Perecman's achievements have brought him recognition as an Honoree in the National Law Journal's Hall of Fame, in New York Magazine's "The Best Lawyers in America" and The New York Times Magazine "New York Super Lawyers, Metro Edition" for the years 2007-2010.

<http://www.hrw.org/en/reports/2010/12/02/price-freedom>

The Firm has recovered millions of dollars for its clients. Among the more recent victories, Mr. Perecman won a \$15 million verdict* for a construction accident, a \$5.35 million dollar verdict** for an automobile accident, and a \$40 million dollar structured settlement for medical malpractice***.

*later settled while on appeal for \$7.940 million

** later settled for \$3.5 million

*** total potential payout

"Lawyer Advertising"

"Prior results do not guarantee a similar outcome."

