

SUPREME COURT OF PENNSYLVANIA

Wise v. Huntingdon County Housing Development Corporation

Wise · No. No. 97 MAP 2019 · Decided April 28, 2021

SUMMARY

The Pennsylvania Supreme Court considered whether inadequate outdoor lighting caused by the placement of a light pole and a tree constituted a dangerous condition of Commonwealth real estate under the real estate exception to sovereign immunity. The Court held that the alleged condition could qualify under 42 Pa.C.S. § 8522(b)(4), reversed the Commonwealth Court, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Pennsylvania
WRITING FOR THE COURT	Chief Justice Baer; Justice Saylor; Justice Todd; Justice Donohue; Justice Dougherty; Justice Wecht; Justice Mundy
JURISDICTION	Pennsylvania
DECIDED	April 28, 2021
DOCKET	No. 97 MAP 2019
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Sharon Wise appealed from summary judgment entered for the Housing Authority of the County of Huntingdon on the ground that sovereign immunity barred her negligence claim. The Commonwealth Court affirmed, and the Supreme Court of Pennsylvania granted discretionary review.
STANDARD OF REVIEW	Questions of law are reviewed de novo and the scope of review is plenary. A grant of summary judgment may be reversed for an error of law or abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Sharon Wise v. Huntingdon County Housing Development Corporation, Housing Authority of the County of Huntingdon, Chestnut Terrace Resident's Association, Weatherization, Inc., a Non-Profit Corporation d/b/a Huntingdon County Housing Services

TOPICS

premises liability

negligence

statutory interpretation

standard of review

appellate procedure

PRACTICE AREAS

Torts

Sovereign immunity

Premises liability

Appellate procedure

QUESTIONS PRESENTED

1. Whether insufficient outdoor lighting caused by the arrangement of a pole light, tree, and sidewalk constitutes a dangerous condition of Commonwealth real estate under the real estate exception to sovereign immunity in 42 Pa.C.S. § 8522(b)(4).
2. Whether summary judgment was proper when the alleged dangerous condition involved inadequate artificial lighting rather than the complete absence of lighting.

HOLDINGS

1. A claim that insufficient artificial lighting derives from the existence and arrangement of fixtures and other features of Commonwealth realty falls within the real estate exception to sovereign immunity as a matter of law.
2. Natural nighttime darkness does not defeat the claim because Wise alleged that inadequate artificial lighting caused by the arrangement of Commonwealth realty was a concurrent cause of her injuries.
3. The ruling only determined that the claim was not barred by sovereign immunity as a matter of law; it did not establish that Wise would ultimately recover.

KEY QUOTATIONS

“For the reasons that follow, we answer this question in the affirmative.” (at 1)

“We hold only that, as a matter of law, a claim of insufficient lighting deriving from the Commonwealth realty falls within the real estate exception to sovereign immunity.” (at 20)

FACTUAL BACKGROUND

Sharon Wise alleged that she tripped and fell at approximately 12:10 a.m. on May 9, 2013, while walking on a sidewalk in the Chestnut Terrace public housing complex. She attributed the fall to insufficient outdoor lighting caused by the location of a pole light and a tree that obstructed the light over the sidewalk. The Housing Authority owned and controlled the complex, and Wise alleged that it knew or should have known of the dangerous condition and failed to correct it.

PROCEDURAL HISTORY

Wise sued after tripping and falling on a sidewalk in a public housing complex, alleging that insufficient outdoor lighting caused by the arrangement of a pole light, tree, and sidewalk created a dangerous condition. The Huntingdon County Court of Common Pleas granted summary judgment for HACH and dismissed the case. The Commonwealth Court affirmed in a published opinion, and the Supreme Court reversed and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remanded to the Commonwealth Court for further proceedings consistent with the opinion, including proceedings addressing the merits of Wise's claim after determining that sovereign immunity did not bar it as a matter of law.

CASES CITED

- Snyder v. Harmon, 562 A.2d 307 (Pa. 1989)
- Peterson v. Philadelphia Housing Authority, 623 A.2d 904 (Pa. Cmwlth. 1993)
- Floyd by Floyd v. Philadelphia Housing Authority, 623 A.2d 901 (Pa. Cmwlth. 1993)
- Jones v. Southeastern Pennsylvania Transportation Authority, 772 A.2d 435 (Pa. 2001)
- Miller v. Kistler, 582 A.2d 416 (Pa. Cmwlth. 1990)
- Balentine v. Chester Water Authority, Balentine v. Chester Water Authority, 191 A.3d 799, 803 (Pa. 2018)
- Yenchi v. Ameriprise Financial, Inc., 161 A.3d 811, 818 (Pa. 2017)
- Mascaro v. Youth Study Center, 523 A.2d 1118, 1124 (Pa. 1987)
- Dean v. Commonwealth, Department of Transportation, 751 A.2d 1130 (Pa. 2000)
- Cagey v. Commonwealth, 179 A.3d 458 (Pa. 2018)
- Crowell v. City of Philadelphia, 613 A.2d 1178, 1184 (Pa. 1992)
- Powell v. Drumheller, 653 A.2d 619, 622 (Pa. 1995)
- Brewington for Brewington v. City of Philadelphia, 199 A.3d 348, 358 (Pa. 2018)
- Wise v. Huntingdon County Development Corporation, 212 A.3d 1156 (Pa. Cmwlth. 2019)