S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N A S S E M B L Y

June 17, 2011

Introduced by M. of A. BRAUNSTEIN, MARKEY, CRESPO, SIMOTAS, MAISEL, COLTON, ABBATE -- Multi-Sponsored by -- M. of A. DINOWITZ, LENTOL, MENG, M. MILLER, MILLMAN, PERRY, P. RIVERA, SCARBOROUGH, TITONE -- read once and referred to the Committee on Cities

AN ACT to amend the New York city charter and the administrative code of the city of New York, in relation to requiring written request and review of proposed reductions in the level of fire services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision a of section 487 of the New York city charter, as amended by local law number 40 of the city of New York for the year 1989, is amended to read as follows:

a. The commissioner shall have sole and exclusive power and perform all duties for the government, discipline, management, maintenance and direction of the fire department and the premises and property in the custody thereof, however, the commissioner shall [provide written notice with supporting documentation at least forty-five days prior to the permanent closing of any firehouse or the permanent removal or relocation of any fire fighting unit to the council members, community boards and borough presidents whose districts are served by such facility or unit and the chairperson of the council's public safety committee. For the purposes of this section, the term "permanent" shall mean a time period in excess of six months. In the event that the permanent closing of any firehouse or the permanent removal or relocation of any fire-fighting unit does not occur within four months of the date of the written notice, the commissioner shall issue another written notice with supporting documentation prior to such permanent removal or relocation. The four months during which the written notice is effective shall be tolled for any period in which a restraining order or injunction prohibiting the closing of such noticed facility or unit shall be in effect] BE REQUIRED TO COMPLY WITH THE PROVISIONS OF SECTION 15-129 OF THE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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ADMINISTRATIVE CODE OF THE CITY OF NEW YORK WITH RESPECT TO CERTAIN PROPOSED REDUCTIONS OF FIRE SERVICES.

S 2. The administrative code of the city of New York is amended by adding a new section 15-129 to read as follows:

S 15-129. REDUCTION OF FIRE SERVICES; PRIOR APPROVAL REQUIRED. A. THE COMMISSIONER SHALL PROVIDE WRITTEN REQUEST WITH SUPPORTING DOCUMENTATION PRIOR TO THE PERMANENT CLOSING OF ANY FIREHOUSE OR THE PERMANENT REMOVAL OR RELOCATION OF ANY FIRE FIGHTING UNIT TO THE COUNCIL MEMBERS, COMMUNITY BOARDS AND BOROUGH PRESIDENTS WHOSE DISTRICTS ARE SERVED BY SUCH FACILITY OR UNIT AND THE CHAIRPERSON OF THE COUNCIL'S PUBLIC SAFETY COMMITTEE. FOR THE PURPOSES OF THIS SECTION, THE TERM "PERMANENT" SHALL MEAN A TIME PERIOD IN EXCESS OF SIX MONTHS.

B. THE WRITTEN REQUEST, REQUIRED BY SUBDIVISION A OF THIS SECTION, SHALL INCLUDE AN ENVIRONMENTAL IMPACT STATEMENT, WHICH SHALL ADDRESS, BUT SHALL NOT BE LIMITED TO:

(1) CURRENT AND PROJECTED RESPONSE TIMES OF THE SUBJECT FIREHOUSE OR FIRE FIGHTING UNIT, WHICH SHALL MEAN THE SUM OF DISPATCH TIME AND TRAVEL TIME IN RESPONSE TO A CALL DIRECTED TO THE FACILITY OR UNIT, FOR THE AREA AFFECTED BY CLOSURE, WHICH MUST INCLUDE GEOGRAPHIC AND TRAFFIC ANALYSES AS THEY EFFECT RESPONSE TIMES;

(2) CURRENT AND PROJECTED ALLOCATION OF RESOURCES, INCLUDING STAFFING LEVELS, FOR THE FIREHOUSES OR FIRE FIGHTING UNITS IN THE DISTRICT OR DISTRICTS SERVED BY THE FACILITY OR UNIT WHICH IS PROPOSED TO BE CLOSED, REMOVED OR RELOCATED; AND

(3) DISTANCE OF OTHER FIREHOUSES OF FIRE FIGHTING UNITS IN THE AREA AFFECTED BY CLOSURE.

C. THE PROPOSED CLOSURE, REMOVAL OR RELOCATION SHALL BE SUBJECT TO CONSECUTIVE THIRTY DAY REVIEW PERIODS BY THE COMMUNITY BOARDS AND BOROUGH PRESIDENTS WHOSE DISTRICTS ARE SERVED BY THE SUBJECT FIREHOUSE OR FIRE FIGHTING UNIT.

(1) IF ANY OR ALL OF THE AFFECTED COMMUNITY BOARDS OR BOROUGH PRESIDENTS SUPPORT THE PROPOSAL, THE COUNCIL WILL BE GIVEN A THIRTY DAY PERIOD TO REVIEW THE PROPOSAL AND A MAJORITY VOTE WILL BE REQUIRED TO APPROVE THE MEASURE;

(2) IF ALL OF THE AFFECTED COMMUNITY BOARDS AND BOROUGH PRESIDENTS OPPOSE THE PROPOSAL, THE COUNCIL WILL BE GIVEN A THIRTY DAY PERIOD TO REVIEW THE PROPOSAL AND A TWO-THIRDS MAJORITY VOTE WILL BE REQUIRED TO APPROVE THE MEASURE.

D. IN THE EVENT THAT THE PERMANENT CLOSING OF ANY FIREHOUSE OR THE PERMANENT REMOVAL OR RELOCATION OF ANY FIRE FIGHTING UNIT DOES NOT OCCUR WITHIN FOUR MONTHS OF THE DATE OF APPROVAL AFTER REVIEW, IN THE MANNER PROVIDED BY SUBDIVISION C OF THIS SECTION, THE COMMISSIONER SHALL ISSUE ANOTHER WRITTEN REQUEST WITH SUPPORTING DOCUMENTATION PRIOR TO SUCH PERMANENT CLOSURE, REMOVAL OR RELOCATION. THE FOUR MONTHS DURING WHICH THE APPROVAL IS EFFECTIVE SHALL BE TOLLED FOR ANY PERIOD IN WHICH A RESTRAINING ORDER OR INJUNCTION PROHIBITING THE CLOSING OF SUCH FACILITY OR UNIT SHALL BE IN EFFECT.

S 3. This act shall take effect immediately.