STATE OF NEW YORK

5093--A

2021-2022 Regular Sessions

IN SENATE

February 23, 2021

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to standards for fire hydrant systems; and providing for the repeal of certain provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 378 of the executive law is amended by adding two new subdivisions 20 and 21 to read as follows:

20. a. Standards for fire hydrant systems shall require:

(i) periodic fire hydrant tests, fire hydrant flushing, and fire hydrant water flow tests as required by the designated local official or contracted designee according to the standards and guidance established by the national fire protection association;

(ii) provided, however, each fire hydrant shall be flushed annually, and fire hydrant water flow tests shall be conducted a minimum of once per five years; and

(iii) records of fire hydrant tests, fire hydrant flushing, and fire hydrant water flow tests performed on each fire hydrant shall be maintained for a period of at least ten years by the local authority responsible for conducting such inspections.

b. For the purposes of this section, a fire hydrant system shall be defined as a system of pipes and valves situated and maintained for firefighting purposes delivering a water supply with sufficient pressure and flow with a connection point by which firefighters can access it without restriction as to the use for that purpose. The location is such

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

LBD06950-02-2

that it is accessible for immediate use of the fire authority at all times.

21. The department of public service shall transmit a request for information to each water-works corporation serving fifty thousand or more water users, water authority within the state, and municipal public works department requesting any and all information related to fire hydrant maintenance, servicing, testing, and replacement.

a. The department of public service shall seek from each water-works corporation serving fifty thousand or more water users, water authority, and municipal public works department the following information:

(i) all invoices associated with maintenance, servicing, inspection, or repair of fire hydrants for a period of at least one year; and

(ii) all records associated with the maintenance, servicing, inspection, or repair of fire hydrants for a period of at least one year.

b. Each water-works corporation serving fifty thousand or more water users, water authority, or municipal public works department that receives a request for information from the department of public service pursuant to this subdivision shall cooperate fully with such department, provide such information in a timely manner, and comply with any other requests and requirements deemed appropriate by such department.

c. The department of public service shall issue a report within twelve months of the effective date of this subdivision on information collected from each water authority and public works department regarding fire hydrant maintenance, servicing, inspection, or repair. Such a report shall include a comprehensive analysis of the frequency of each authority's or public works department's maintenance and inspection of fire hydrants. The department of public service shall include any recommendations that would achieve a more uniform period of hydrant maintenance and inspection. Such department shall include in the report the identity of any water-works corporation serving fifty thousand or more water users, water authority, or municipal public works department that received a request for information from the department but did not provide information in a timely or complete manner. If a water-works corporation serving fifty thousand or more water users, water authority, or municipal public works department is not responsible for maintaining and inspecting fire hydrants, a statement indicating no responsibility to inspect shall be transmitted to the department of public service in response to any request for information. Such department shall post a copy of the full report to the governor, the temporary president of the senate, the speaker of the assembly, and each member of the legislature.

§ 2. This act shall take effect immediately; provided that the provisions of subdivision 21 of section 378 of the executive law, as added by section one of this act, shall expire and be deemed repealed on the one hundred twentieth day after the department of public service has submitted its completed report provided, further, that the department of public service shall notify the legislative bill drafting commission upon the occurrence of the submission of the completed report in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.