

# STATE OF NEW YORK

8616

## IN ASSEMBLY

January 12, 2024

Introduced by M. of A. ZEBROWSKI -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law, in relation to minimum staffing  
levels for agencies enforcing the minimum standards under the New York  
State Uniform Fire Prevention and Building Code Act

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

1 Section 1. Legislative intent. The legislature enacted the New York  
2 State Uniform Fire Prevention and Building Code Act ("the Act") to  
3 prevent loss of life, injury to persons, and damage to property as a  
4 result of fire and to provide a basic level of protection to which the  
5 people are entitled in connection with the construction and maintenance  
6 of buildings. These people include, importantly, the first responders:  
7 firefighters, police, and EMTs, who are required to enter structures  
8 with which they are unfamiliar and sometimes navigate them in hazardous  
9 conditions such as smoke and fire.

10 The legislature has further determined it to be a public policy that  
11 there must be a minimum level of protection from the hazards of fire,  
12 and a uniform set of minimum standards across the state.

13 Also, the legislature has determined that local governments should  
14 exercise their full powers to administer and enforce the uniform code.

15 It has, however, come to the attention of the legislature, that in  
16 some jurisdictions, the agencies responsible for enforcement of the  
17 minimum standards are understaffed and cannot keep up with the mandatory  
18 inspections and inspections related to complaints, and the issuance of  
19 building permits and the follow up inspections and enforcement actions  
20 needed to implement the Act. Failure to have adequate staffing has led  
21 to ineffective enforcement of the Act and increases in the dangers the  
22 Act is intended to prevent.

23 § 2. Paragraph b of subdivision 1 of section 381 of the executive law,  
24 as amended by chapter 560 of the laws of 2010, is amended to read as  
25 follows:

26 b. [~~number and qualifications of staff, including requirements that~~  
27 ~~inspectors be certified pursuant to this chapter,~~] commencing January

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

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1 first, two thousand twenty-five, and every subsequent third year,  
2 setting the number and qualifications of staff, including requirements  
3 that inspectors be certified pursuant to this article, for each local  
4 government's inspectors, deputy fire inspectors, plan reviewers, certi-  
5 fied enforcement officials, fire inspectors or other relevant personnel,  
6 in any local government charged with administration and enforcement of  
7 the uniform building and fire prevention code, sufficient to ensure  
8 adequate compliance with this article based upon an index or calculation  
9 that takes into account the average number of the following within the  
10 state agency's jurisdiction, for each calendar year over the prior three  
11 years:

12 i. structures subject to fire safety, property maintenance, or  
13 special inspections;

14 ii. fire safety, property maintenance, or special inspections  
15 performed;

16 iii. commercial and residential building permit applications received,  
17 reviewed, and approved or denied;

18 iv. operating permits received, reviewed, and approved or denied;

19 v. construction or operating inspections performed;

20 vi. plans, specifications, and construction documents approved;

21 vii. notices of violation and individual violations issued;

22 viii. unsafe structures declared;

23 ix. fire or explosion notifications received; and

24 x. enforcement actions, civil or criminal, commenced in any court or  
25 tribunal.

26 § 3. This act shall take effect on the sixtieth day after it shall  
27 have become a law. Effective immediately, the addition, amendment  
28 and/or repeal of any rule or regulation necessary for the implementation  
29 of this act on its effective date are authorized to be made and  
30 completed on or before such effective date.