STATE OF NEW YORK

8598

IN SENATE

February 20, 2024

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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 Assembly, do enact as follows:

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

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

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

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

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

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

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b. [~~number and qualifications of staff, including requirements that inspectors be certified pursuant to this chapter,~~] commencing January first, two thousand twenty-five, and every subsequent third year, setting the number and qualifications of staff, including requirements that inspectors be certified pursuant to this article, for each local government's inspectors, deputy fire inspectors, plan reviewers, certified enforcement officials, fire inspectors or other relevant personnel, in any local government charged with administration and enforcement of the uniform building and fire prevention code, sufficient to ensure adequate compliance with this article based upon an index or calculation that takes into account the average number of the following within the state agency's jurisdiction, for each calendar year over the prior three years:

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

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

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

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

v. construction or operating inspections performed;

vi. plans, specifications, and construction documents approved;

vii. notices of violation and individual violations issued;

viii. unsafe structures declared;

ix. fire or explosion notifications received; and

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

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