

STATE OF NEW YORK

4554

2025-2026 Regular Sessions

IN SENATE

February 6, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed to the Committee on Cities 1

AN ACT to amend the administrative code of the city of New York, in
relation to the verification of participation in the rescue, recovery,
and clean-up operations at the site of the World Trade Center terror
attacks on September 11, 2001

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

1 Section 1. Subdivision 2 of section 13-252.1 of the administrative
2 code of the city of New York, as amended by chapter 489 of the laws of
3 2013, is amended to read as follows:
4 2. (a) Notwithstanding the provisions of this chapter or of any gener-
5 al, special or local law, charter, administrative code or rule or regu-
6 lation to the contrary, if a member who [~~participated~~] filed a timely
7 notice of participation in World Trade Center rescue, recovery or clean-
8 up operations as defined in section two of the retirement and social
9 security law[~~, and~~] subsequently retired [~~on a service retirement, an~~
10 ~~ordinary disability retirement, an accidental disability retirement, a~~
11 ~~performance of duty disability retirement, or was separated from service~~
12 ~~with a vested right to deferred payability of a retirement allowance~~]
13 and subsequent to such retirement or separation is determined by the
14 [~~NYCPPF~~] police pension fund board of trustees to have a qualifying
15 World Trade Center condition, as defined in section two of the retire-
16 ment and social security law, upon such determination by the [~~NYCPPF~~]
17 police pension fund board of trustees, it shall be presumed that such
18 disability was incurred in the performance and discharge of duty as the
19 natural and proximate result of an accident not caused by such member's
20 own willful negligence, and that the member would have been physically
21 or mentally incapacitated for the performance and discharge of duty of
22 the position from which he or she retired or vested had the condition
23 been known and fully developed at the time of the member's retirement or

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

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1 separation from service with vested rights, unless the contrary is prov-
2 en by competent evidence.

3 (b) The [~~NYCPPF~~] police pension fund board of trustees shall consider
4 a reclassification of the member's retirement or vesting as an acci-
5 dental disability retirement effective as of the date of such reclassi-
6 fication.

7 (c) Such member's retirement option shall not be changed as a result
8 of such reclassification.

9 (d) [~~The member's former employer at the time of the member's retire-~~
10 ~~ment shall have an opportunity to be heard on the member's application~~
11 ~~for reclassification by the NYCPPF board of trustees according to proce-~~
12 ~~dures developed by the NYCPPF board of trustees] Notwithstanding the
13 provisions of any general, special or local law, or administrative code
14 to the contrary, but except for the purposes of determining eligibility
15 for World Trade Center benefits, it shall be considered presumptive
16 evidence that upon the timely filing of a fully sworn notice of partic-
17 ipation, such member shall have a qualifying World Trade Center condi-
18 tion, as defined by subdivision thirty-six of section two of the retire-
19 ment and social security law, unless the contrary be proved by competent
20 evidence and adopted by a quorum of the board of trustees.~~

21 (e) The [~~NYCPPF~~] police pension fund board of trustees is hereby
22 authorized to promulgate rules and regulations to implement the
23 provisions of this paragraph.

24 § 2. This act shall take effect immediately.