

# STATE OF NEW YORK

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6906

2025-2026 Regular Sessions

## IN SENATE

March 26, 2025

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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:

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.

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

LBD11166-01-5

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

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

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

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

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

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

24 v. construction or operating inspections performed;

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

26 vii. notices of violation and individual violations issued;

27 viii. unsafe structures declared;

28 ix. fire or explosion notifications received; and

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

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