



NEW YORK STATE SENATOR

Brian Kavanagh

Senate Prioritizes Code Enforcement Across New York State

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(Albany, NY) The Senate Majority today advanced sweeping legislation improving safety by addressing code enforcement failures across the State. The legislation is the result of a six month investigation and report on code enforcement practices in New York spearheaded by Senator James Skoufis, Chair of the Senate Committee on Investigations & Government Operations, and Senator Brian Kavanagh, Chair of the Senate Committee on Housing, Construction, and Community Development. The legislation passed today will prioritize the

safety and well-being of New York residents and first responders, increase transparency for stakeholders and further empower all levels of government to address code violations.

“Code enforcement is essential to keeping roofs over our heads, walls from collapsing, and New Yorkers safe in their homes and businesses,” Senate Majority Leader Andrea Stewart-Cousins said. “I applaud Senator James Skoufis, Chair of the Senate Investigations & Government Operations Committee and Senator Brian Kavanagh, Chair of the Senate Housing, Construction, & Community Development Committee for conducting an investigation into code enforcement issues and generating a report with proposals to help address these concerns. The legislation advanced by the Senate Majority will combat the alarming code enforcement shortfalls that were uncovered, and will help keep New Yorkers safe.”

The legislation that the Senate passed was the result of a six-month investigation into Code Enforcement in New York State. The investigation took a comprehensive look at the full lifecycle of the code enforcement process, as well as a close examination of four municipalities: City of Albany, City of Newburgh, City of Mount Vernon, and Town of Ramapo. The investigation team held a public hearing in the City of Newburgh, the first of its kind, to hear directly from key stakeholders from across the state. Additionally, they heard testimony from representatives from each municipality, first responders, the Department of State, landlords, and tenants. As outlined in the report, the investigation found a systematic failure to prioritize code enforcements across New York State, creating an unsafe environment for residents and first responders, and concluded that code enforcement must be a top priority for all levels of government.

The legislation passed by the Senate Majority includes:

- Prohibiting the Use of Plywood: This bill, S.1726A, sponsored by Senator James Skoufis, will prohibit the use of plywood, wood composite, wood veneer, or similar wood-based products to board up vacant abandoned properties.
- State and County Investigations: This bill, S.7300, sponsored by Senator James Skoufis, will allow for county intervention on unenforced code violations and allow the county to trigger a state investigation in order to trigger jurisdictional transfer from a municipality to a county in certain circumstances.
- Municipal Authority: This bill, S.7301, sponsored by Senator James Skoufis, will provide additional lower court judicial authority to make it easier for municipalities to address violations of the building and fire prevention code.
- Creation of Residential Rental Registry: This bill, S.7288A, sponsored by Senator Brian Kavanagh, will create a statewide residential rental registry to provide information relating to rental units including code violations.
- Increases State Code Enforcement: This bill, S.7287, sponsored by Senator Jamaal Bailey, will increase the state code enforcement powers of the secretary of state by establishing a separate state code enforcement office headed by an ombudsperson.
- Penalties for Dangerous Apartment Alterations: This bill, S.1714, sponsored by Senator John E. Brooks, creates penalties on building owners of up to \$7,500 for violations of the uniform fire prevention and building code that impedes egress during a fire or other emergency evacuation.
- Building Code Penalties: This bill, S.4938, sponsored by Senator David Carlucci, will enhance pre-existing building code penalties for repeat offenders of State uniform fire prevention and building code.
- Fire Extinguisher Requirements: This bill, S.2813A, sponsored by Senator Leroy Comrie, will require fire extinguishers to be placed on each floor of all rental apartment buildings.

- Time Restrictions for Court Issued Consent Orders: This bill, S.3320, sponsored by Senator Robert Jackson, will establish time restrictions for court issued consent orders for work performance to remove or remedy dangerous conditions or building code violations.
- Fines for Code Violations: This bill, S.7292A, sponsored by Senator Rachel May, imposes escalating fines for code violations and illegal conversions.
- Code Enforcement Training and Certification: This bill, S.7291, sponsored by Senator Roxanne Persaud, will increase the minimum standards for training and certification for code enforcement personnel.

Chair of the Senate Committee on Investigations & Government Operations and bill sponsor, Senator James Skoufis, said, “This package of legislation is the result of our comprehensive six-month investigation into code enforcement that identified a systemic failure to enforce code at all levels of government. This package of legislation will go a long way towards protecting New York tenants, property owners, and first responders, all of whom deserve a state with safe housing. I thank Senator Kavanagh and all of my colleagues for their collaboration on this important effort.”

Chair of the Senate Committee on Housing, Construction, and Community Development and bill sponsor, Senator Brian Kavanagh, said, “Enforcing housing, fire, and building codes is crucial to our efforts to ensure that every New Yorker has access to a safe place to live. By creating a statewide registry of all rental housing, enhancing local governments’ capacity to conduct inspections and enforce the law, and increasing penalties for egregious violations and repeat offenders, this legislation will begin to address long-neglected problems. I thank Leader Andrea Stewart-Cousins, Senator James Skoufis, and all my colleagues on the Housing and Investigations Committees for their partnership on this important work,

everyone who provided testimony at our two public hearings, and the many New Yorkers in our communities and in local government who have fought long and hard for better housing conditions for all.”

Bill Sponsor Senator Jamaal Bailey, said, “After Senator Skoufis held many hearings to examine code enforcement throughout the state, it was found via a detailed report issued that many of the methods to enforce our state’s building codes were woefully inadequate. In an effort to prioritize code enforcement throughout the state, I have introduced legislation designed to create the office of the State Code Enforcement Ombudsperson to resolve any issues related to local code enforcement programs. This office will increase the number of code enforcement personnel in local communities, and permits the secretary of state to place an oversight official within a local government to monitor compliance. All of these initiatives will ultimately help to improve code compliance, giving municipalities confidence that the physical structures that we inhabit daily are safe.”

Bill Sponsor Senator John E. Brooks, said, “January 23, 2005 is known as “Black Sunday” among firefighters. On this day, three firefighters in NYC lost their lives and many more were seriously injured fighting fires in illegally modified buildings. These modifications create barriers to escaping a fire and ensure that lives will be lost. Passing this bill is long overdue and will make NY State a safer place to live.”

Bill Sponsor Senator David Carlucci, said, “Illegal housing puts people’s lives in jeopardy. It is a problem that has plagued Rockland County, where unscrupulous landlords often put profit before people. We need to give our current law teeth and send a strong message to unscrupulous landlords that if you do not follow building, zoning, and fire codes you will pay the price.”

Bill Sponsor Senator Leroy Comrie, said, “As the proud sponsor of Senate Bill 2813-A, I believe that requiring an appropriate number of fire extinguishers in all multiple dwellings is not only sound, affirmative policy—it is a measure that will save lives and prevent small fires from turning into major incidents. Current state law requires the presence of smoke detectors in all multiple dwellings but does not mandate their most logical firefighting partner—fire extinguishers. I have seen far too many families in the 14th Senate District lose their loved ones to fires in buildings that lacked first lines of defense. We seek to pass this bill in their memory and set a state policy that will preserve lives.”

Bill Sponsor Senator Robert Jackson, said, “In my early days as a New York City Council Member, a building in the Bronx caught fire and a child died, all because the landlord refused to make the repairs a court had mandated. In other words, a child died because of prolonged and deliberate landlord neglect. In response, I helped lead passage of a resolution in the City Council calling on the New York State legislature to pass a law requiring landlords to make court-ordered repairs within 60 days of those orders. But back then the legislation was blocked by our colleagues on the other side of the aisle, and the law went nowhere. Until now, if your landlord has been told by the courts he needs to repair the building for unsafe conditions, he can still take his sweet time doing so. But today, 15 years after I helped pass the resolution calling on the State legislature to change this situation, I am proud to be in a position to do it myself. This bill will require landlords to make court-ordered repairs within 60 days of those orders being issued. Together we can end landlord neglect.”

Bill Sponsor Senator Rachel May, said, “We have a serious problem in New York: a lack of safe, reliable housing. Senate Democrats have worked hard to pass legislation that protects tenants from slumlords, but we must do more. My bill will prevent negligent landlords with outstanding code violations from purchasing any additional properties, and will increase the fines for bad actors who fail to repair their current units. Tenants are often at the mercy of

their landlords, and we must work to ensure irresponsible people are not allowed to continue renting out dangerous units.”

Bill Sponsor Senator Roxanne Persaud, said, “Continuing education is an important component of any occupation and especially for those employed in code enforcement. Without proper training, the likelihood of mistakes and oversights made during code enforcement fieldwork increases, which ultimately endangers the lives of both residents and first responders. It is vital that we ensure code enforcers across this state are up to date with regard to their certifications to perform code enforcement. This legislation will help make that happen.”