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NEW YORK STATE ASSOCIATION OF FIRE DISTRICTS, LAW AND LEGISLATION COMMITTEE END OF SESSION REPORT FOR 2022

By Todd Vandervort

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The 2022 New York State Legislative Session came to end on Saturday, June 4. An unprecedented 1,007 bills passed both houses; the most in New York State legislative history. As of this writing, 530 bills are still awaiting delivery to the Governor for action. The session ended earlier than previous years as legislators were eager to return to their districts to prepare for the June 28th Primary Elections for the NYS Assembly, governor, and lieutenant governor, and August 23rd Primary Elections for Congressional and NYS Senate races.

It was a productive session overall as we advocated for our highest priority Issues of United Concern, including the following:

EMS Cost Recovery:

S.8005-C / A.9005-C Part KK Public Protection Budget Bill

Status: Chapter 55 of the Laws of 2022

It was an eventful session for the fire service with the enactment of the EMS Cost Recovery legislation that we have been working on for close to 20 years. We were successful in getting our language included in the NYS Budget that was signed into law on April 9, 2022. The law becomes effective on July 8, 2022 and is effective for four years. The next phase of our work will focus on implementation of the law. A comprehensive list of FAQs has been created by the fire service organizations to provide guidance and clarification of fire district / department requirements and responsibilities under the new law. This document is in formation and will continue to be updated as needed.

Furniture Fire Safety Standards

S.7737 / A.8723 (Kaminsky / Englebright) Chapter Amendment

Status: Chapter 11 of the Laws of 2022

In 2021, S.4630-B/A.5418-B (Kaminsky / Englebright), was signed into law prohibiting the use of hazardous chemicals contained in flame retardants to be used in upholstered furniture, mattresses, and electronic enclosures. Governor Hochul signed the bill with the caveat that the

legislature pass a chapter amendment in 2022 that would give authority to the Department of Environmental Conservation (DEC) to set forth numerical thresholds to limit the concentration of hazardous flame retardants in these products and include a certificate of compliance provision to hold the manufacturers more accountable. In addition, to ensure that manufacturers, retailers and custom upholsterers are afforded adequate time to remove these chemicals from their products and supply chains, the Legislature must reasonably adjust the compliance timeframes in the bill.

Endangering the Welfare of Fire and Emergency Personnel

S.3741 / A.6087 (Gaughran / Zebrowski) To create the new crimes of reckless endangerment of a peace officer, police officer, firefighter or emergency medical services professional in the first and second degrees. A person is guilty of reckless endangerment when they knowingly alter or convert a building that impedes egress, and an emergency service person is injured or dies as a result.

Status: Senate Codes / Assembly Codes

This bill did not pass in 2022, but it will continue to be a priority in the upcoming session.

Recruitment and Retention Task Force

S.8658 / A.9597 (Gaughran / Thiele) Extend the sunset date for Volunteer Firefighter Recruitment and Retention Task Force, established in 2020, and extend the due date for the report to the Governor and Legislature, both extended to December 31, 2022.

Status: Chapter 335 of the Laws of 2022

This law was originally created in 2020 as Chapter 258. The legislature agreed to make technical corrections in a Chapter Amendment in 2021 (chapter 7). In 2022 legislation was passed to extend the repeal date of the task force and the due date of the report.

Building Code

A.3559-B/A.6210-B (Hunter/Skoufis) Directs the state fire prevention and building code council to update the state fire prevention and building code and the state energy conservation construction code

Status: Passed Senate/Assembly Governmental Operations Committee

S6970-A/A.8802-A (Kavanagh/Zebrowski) Provides for state assistance to local governments for the enforcement of fire prevention and building codes ("54G")

Status: Senate Insurance / Assembly Insurance Committee

Although these bills did not pass, building code issues continued to be a priority this past session, with a strong interest by legislators to understand how the code is enforced and regulated at the state and local levels. We will continue to work on these issues, coordinating our efforts with the NYS Building Officials Conference to communicate and educate the legislature, Governor's Office, and NYS Office of Fire Prevention and Control.

Other Legislation:

In addition to our Issues of United Concern, we lobbied the following bills of interest:

- S.4547-A/A.4854-A (Harckham/Epstein) Regulation of accessory dwelling units

Status: Senate Judiciary / Assembly Local Government Committee

- S.1003-C/A.7947-A (Gaughran/Stern) This bill allows a local government in Nassau or Suffolk County to establish a process allowing for the issuance of a building permit based upon certification by a registered architect licensed to practice in the State of New York or a professional engineer licensed to practice in the state.

Status: Passed Senate/Assembly Local Government Committee

- S.532-A/A.276-A (Persaud/Zebrowski) This bill creates a timeline for completion of the mandatory training for code enforcement personnel and increases the annual continuing education required to maintain certification. Finally, the bill prohibits continued employment as code enforcement personnel where the individual's certification has been suspended or revoked unless the person has received an extension to become active by the secretary.

Status: Passed Both Houses

- S.7858/A.8646 (Skoufis/Thiele) Exempts hot tubs or spas with safety covers from certain provisions of law. To clarify building safety codes relating to hot tub or spa safety covers.

Status: Passed Both Houses

- S.9405/A.10439 (Parker/Fahy) Establishes the "Advanced Building Codes, Appliance and Equipment Efficiency Standards Act of 2022"

Status: Chapter 374

- S.8717/A.9880 (Gaughran/Thiele) Provides local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions

Status: Passed Both Houses

- S.9131/A.10155-C (Reichlin-Melnick/Zebrowski) Provides all local governments with the option to provide a property tax exemption to volunteer firefighters and volunteer ambulance workers

Status: Passed Both Houses

Bills Chaptered in 2022

In 2022 several bills of interest were signed into law, including:

- Chapter 1: This bill extends the current authorization for state and local government entities to meet remotely by conference call or similar service, so long as the public has the ability to view or listen to such proceeding and provided such meetings are recorded and later transcribed. The extension will expire in accordance with the Governor's Executive Order 11.8 on New York's declared state of emergency, which is set to expire on August 13, 2022 unless extended further.
- Chapter 84: Chapter Amendment to Chapter 78 of the Laws of 2021, to modify the membership structure of the rural ambulance services task force by providing the Commissioner of the Department of Labor with two new appointees; and to extend the report submission date from twelve to eighteen months.
- Chapter 119: Chapter Amendment to Chapter 823 of the Laws of 2021, in relation to the payment of prevailing wage for work involving the delivery to and hauling of aggregate supply construction materials
- Chapter 138: establishes a tollfree confidential hotline for complainants of workplace sexual harassment
- Chapter 139: Clarifies the definition of "employer" for purposes of the human rights law to close the "personal staff" loophole by clarifying that the state is considered an employer of anyone serving in the executive, judiciary, and legislative branches, including the staff of elected officials or judges.
- Chapter 140: To clarify that release of personnel records to disclose victims of workplace discrimination counts as a retaliatory action under the Human Rights Law and to provide additional recourse to victims of such retaliation
- Chapter 154: Chapter Amendment to Chapter 566 of the Laws of 2021, clarifying the awarding of attorney's fees in credit discrimination cases is not limited to only those discrimination cases alleging sex-based discrimination.
- Chapter 155: Chapter Amendment to Chapter 808 of the Laws of 2021, removing language which required a judicial hearing be held to determine whether FOIL-requested records related to an ongoing judicial proceeding will interfere upon release with an ongoing judicial proceeding. Additionally, the amendments remove language amending the civil rights law made by the underlying chapter, in relation to protecting domestic victim status confidentiality.
- Chapter 163: Chapter Amendment of Chapter 158 of the Laws of 2021 to clarify provisions concerning notice requirements following entry of a name-change order.
- Chapter 185: The purpose of this bill is to ensure that emergency services personnel complete the most up-to-date training in issues related to mental health issues. This training is needed to address the growing mental health crisis.
- Chapter 196: relating to disposal of surplus computer equipment by political subdivisions, in relation to the effectiveness thereof
- Chapter 202: Prohibits discrimination based on status as a victim of domestic violence

- Chapter 203: This legislation, the Adult Survivors Act, would create a one-year window for the revival of otherwise time-barred civil claims arising out of sexual offenses committed against people who were 18 or older at the time of the conduct. Those who have had justice denied them as a result of New York's formerly insufficient statutes of limitations should be given the opportunity to seek civil redress against their abuser or their abuser's enablers in a court of law.
- Chapter 234: This legislation would extend current provisions of law granting public employees time off to receive the vaccine without having to exhaust their other piles of leave. Ensuring current and future public employees will not hesitate to receive the COVID-19 vaccination is necessary to take the state of New York one step closer to overcoming the pandemic.
- Chapter 265: Allows the firefighters of Valley Stream to work collectively to promote the welfare of its benevolent association's members and their families.
- Chapter 285: This legislation would amend chapter 425 of the laws of 2012 to allow the Main-Transit Volunteer Exempt Firefighter's Benevolent Association to use the foreign fire insurance premium taxes for the purpose of enhancing morale by providing social and recreational activities for its volunteer members, who are indigent, disabled or injured in the performance of their duties, and their families, and to also promote the volunteer fire service within the territory protected by the Main-Transit Fire Department.
- Chapter 308: To allow the Bushnell Basin Fire Department to have enough members to operate the department by eliminating the application of the forty-five percent limit on non-resident members, while still allowing them to qualify for not-for-profit status and the resultant benefits.
- Chapter 312: Exempts the Salina Consolidated Fire District #2 from the forty-five percent limit on non-resident members
- Chapter 314: Allows the Copiague Fire District to file an application for exemption from real property taxes for the property located at 31 Parkside Court in the hamlet of Copiague.
- Chapter 327: Allows the Camillus Volunteer fire department to have more than 45% of their membership live outside of the Town of Camillus.
- Chapter 350: Exempts the Ardsley Volunteer Fire Department among others from the requirement that volunteer fire department membership shall not exceed the forty-five percent limit on non-resident members.

This fall we will assist with the bills that have passed both houses and will be delivered to the Governor, as well as implementation of new laws, including EMS Cost Recovery, Upholstered Furniture, and Recruitment and Retention laws. We will also be working on the Issues of United Concern meeting in December.

Since this is an election year, and many incumbents are not running for re-election, we will have some new faces in Albany next session. In addition, since 2023 is the first year of a two-year session, all of our bills will have to be reintroduced. Suffice to say, we will have our work cut out for us as we continue on our legislative journey together.

We look forward to continuing our work together in 2023 and beyond.