



Legislation Details (With Text)

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|------------------------|---|---------------------|---|--------------|--|
| File #: | Res 1325-2008 | Version: | * | Name: | Illegal conversion or alteration of any property on which occurs a serious injury or fatality a felony, where such injury or death is related to such conversion or alteration or to authorize NYC to do so. |
| Type: | Resolution | Status: | | | Filed |
| | | In control: | | | Committee on Housing and Buildings |
| On agenda: | 3/26/2008 | | | | |
| Enactment date: | | Enactment #: | | | |
| Title: | Resolution calling upon the New York State Legislature and the Governor either to amend the Administrative Code of the City of New York to make any illegal conversion or alteration of any property on which occurs a serious injury or fatality a felony, where such injury or death is related to such conversion or alteration or to authorize the City of New York to do so. | | | | |
| Sponsors: | Tony Avella, James F. Gennaro, Vincent J. Gentile, Annabel Palma, James Vacca, James S. Oddo | | | | |
| Indexes: | | | | | |
| Attachments: | | | | | |

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|-----------------------------|--------|
| 3/26/2008 | * | City Council | Introduced by Council | |
| 3/26/2008 | * | City Council | Referred to Comm by Council | |
| 12/31/2009 | * | City Council | Filed (End of Session) | |

Res. No. 1325

Resolution calling upon the New York State Legislature and the Governor either to amend the Administrative Code of the City of New York to make any illegal conversion or alteration of any property on which occurs a serious injury or fatality a felony, where such injury or death is related to such conversion or alteration or to authorize the City of New York to do so.

By Council Members Avella, Gennaro, Gentile, Palma, Vacca and Oddo

Whereas, Improper and illegal building conversions and alterations occur throughout New York City, endangering residents, business owners, employees, construction workers, and emergency service responders, primarily firefighters; and

Whereas, Firefighters have been trapped and subsequently seriously injured or killed while fighting fires in illegally converted buildings in recent years, including a January 2005 fire in a Bronx apartment building with units containing illegal partitions where two firefighters died and four were injured while fighting the fire,

and an August 2006 fire in a Bronx discount store where renovations had been professionally certified five years prior and were subsequently poorly implemented, ultimately killing two firefighters and injuring over twenty others when the store's floor collapsed as firefighters entered the building, trapping the men underneath large quantities of debris, and was later attributed to the building's rotting steel support beams; and

Whereas, It is not only emergency responders who face danger from illegally performed alterations or construction but also the workers on those projects and those near the site of the work; and

Whereas, In a process where not all applications and submissions are reviewed by City officials and private professionals are empowered and trusted to certify project and development plans, it is crucial that there exist utmost accountability for the ramifications of the actions of the parties involved, including the engineers, architects and landlords; and

Whereas, Greater accountability and stricter obedience to the laws regarding conversions, alterations and renovations, outlined throughout Titles 26 and 27 of New York City's Administrative Code, would result in less dangerous emergency situations and rescue operations for New York City's bravest, and a less hazardous environment for those actually performing the construction-related work; and

Whereas, Such laws could be more effectively enforced if in the unfortunate case of a serious injury or fatality on a property where any illegal conversion or alteration had occurred, whether a private dwelling to a multiple dwelling, industrial or commercial to residential, residential to commercial, etc., the parties involved would face Class D felony charges for serious injuries, with up to seven years imprisonment, and Class B felony charges for a related death, facing up to twenty-five years in prison; and

Whereas, The government of New York City may not legislatively establish either circumstance as a felony, but the New York State Legislature could either amend the Administrative Code to make such violations of law felonies or could authorize New York City to amend the Administrative Code to impose that level of penalty; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and the

Governor either to amend the Administrative Code of the City of New York to make any illegal conversion or alteration of any property on which occurs a serious injury or fatality a felony, where such injury or death is related to such conversion or alteration, or to authorize the City of New York to do so.

LS 681

Avella - Res - LS 681 - Felony - Construction Injury (2)

3-19-08