

September 13, 2024

Legislative Update for the NYS Association of Fire Chiefs: A Look Ahead Toward the 2025 Legislative Session

As we anticipate the 2025 Legislative Session, New York's financial stability comes into focus. According to NYS Comptroller Thomas DiNapoli, property tax levy growth will be capped at 2% for the fourth consecutive year for local governments operating on a calendar based fiscal year, affecting tax cap calculations for counties, towns, fire districts, cities, and villages. Additionally, the 2025 inflation factor stands at 3.30% for these local governments, exceeding the allowable 2% levy increase. This reflects the higher costs these localities are currently facing.

Although New York is in a relatively stable position overall, the NYS Division of Budget projects a \$9.1 billion budget deficit in FY 2025, with a \$13.9 billion hole in FY 2026 and a \$13.5 billion hole in 2027. These financial challenges may necessitate budget cuts and the exploration of new tax measures. These decisions will be crucial for maintaining fiscal stability in the State.

In November 2024 elections will be held for 26 seats in the US House of Representatives, 2 seats in the US Senate, 63 seats in the NYS Senate, and 150 seats in the NYS Assembly, as well as the US Presidential Election. The landscape in Albany will change significantly, as the following legislators will **NOT** be running for re-election:

ASSEMBLY DEMOCRATS:

- Fred Thiele (1) - *Retiring*
- Kimberly Jean-Pierre (11) - *Retiring*
- Taylor Darling (18) - *NYS Senate Run*
- Daniel Rosenthal (27) - *Left Office*
- Jeffrion Aubry (35) - *Retiring*
- Helene Weinstein (41) - *Retiring*
- Daniel O'Donnell (69) - *Retiring*
- Inez Dickens (70) - *Retiring*
- Latoya Joyner (77) - *Left Office*
- Kenneth Zebrowski (96) - *Retiring*
- Aileen Gunther (100) - *Retiring*
- Patricia Fahy (109) - *NYS Senate Run*

ASSEMBLY REPUBLICANS:

- Marjorie Byrnes (133) - *Retiring*
- Michael Norris (144) - *Nominated for State Supreme Court Justice*

- Joseph Giglio (148) - *Retiring*
- Andrew Goodell (150) - *Retiring*

SENATE DEMOCRATS:

- Kevin Thomas (6) - *Congressional Run (Campaign Suspended on 02/29/24)*
- Neil Breslin (46) - *Retiring*
- John Mannion (50) - *Congressional Run*
- Tim Kennedy (63) - *Congressional Run*

In the 2025 Legislative Session, which marks the first year of a two-year session, all bills will require reintroduction with new bill numbers. Additionally, some bills will have new sponsors. Notably, Assemblyman Fred Thiele and Senator Kevin Thomas, who previously sponsored some of our bills, will no longer be in office. Furthermore, there will be new committee assignments, including a new Chair of Assembly Local Governments due to the departure of Assemblyman Thiele, and at least 20 new legislators will replace those who are leaving office. As we advocate for our 2025 legislative agenda, it is essential to introduce ourselves and our issues to these incoming legislators and establish new relationships. We will also need to employ grassroots strategies in all regions of the state.

We may want to consider thanking Assemblyman Thiele in person, if possible. He was a champion for the fire service for many years.

The Vandervort Group remains dedicated to delivering outstanding service to the NYS Association of Fire Chiefs (NYSAFC) in 2025. We expect to focus on various legislative and regulatory matters, including those related to our Fire Service Alliance Issues of United Concern, and other Association-specific initiatives. Here is a list of some of the issues we expect to work on:

Making cost recovery permanent. Subdivision 4 of section 209-b of the general municipal law, the "EMS Cost Recovery Act" allows any fire department, fire company, or Fire District that holds a Certificate of Operating Authority from the New York State Department of Health issued before January 1, 2022, to bill for EMS services provided on or after July 8, 2022. **The law will expire on April 9, 2026** unless the legislature extends the law or makes it permanent.

The legislature generally does not vote to extend laws or make them permanent until the year that they are going to expire, however we will use 2025 to gather sponsors and introduce a bill but more importantly, we need to gather information and data from the fire service memberships to determine how many fire departments opted-in to this law, how much revenue it has generated, and how the money was spent. Also, it will be helpful to know if and why some departments are not opting-in. For example, some departments may have concerns about spending money to set up the program only to have the law expire. All of this information will help us make a strong case to the Legislature and Governor to make the law permanent as they consider what will happen to this law when it is set to expire in 2026.

Residential sprinklers and adoption of 2024 family of codes. We will continue to advocate for life-saving devices, including residential sprinklers, to allow residents to escape from a fire, allow firefighters to do their jobs, and save both residents' and firefighters' lives in the event of a fire. As we continue to monitor and weigh in on the adoption of 2024 Codes, we will advocate for the inclusion of sprinkler mandates.

Since the 2024 Code adoption process is in full swing so it will be important to work closely with our allies in the fire service and building code officials. It might make sense to more formally communicate with the Chiefs' Codes Committee and establish regular communications. There will be a number of issues that will

be discussed during the process including that will impact the fire service including the push toward electrification so we will need to spend a fair amount of time on this.

Cancer funding cost relief. General Municipal Law Section 205-cc provides enhanced cancer benefits to volunteer firefighters. We have benefitted from an expansion of the types of cancers that are included in the last few years, but funding to firefighters to cover the high costs and support services that are required, is inadequate. We will pursue legislation or a Budget item to secure funding from the State.

This issue has been discussed at the last two IUC meetings. It would be helpful to have this discussed at the leader's level to ascertain how to best approach since it is going to be a budget ask.

Making permanent heart and lung coverage. The volunteer firefighters' benefit law section 11-c, regarding impairment of health caused by diseases of the lung, **is set to expire on 6/30/2025**. The volunteer firefighters' benefit law section 61, regarding death or disability due to diseases or malfunction of the heart, **is set to expire on 7/1/2025**. We will advocate for extension of the laws or preferably making the laws permanent.

Assembly omnibus draft EMS bill. The NYS Assembly Program and Counsel staff are seeking to introduce a large "omnibus" bill to address EMS-related issues in legislation. They are keenly aware of our position on making EMS an essential service, and we believe they will address this as part of the bill. Once we see the final draft, we will engage and weigh in to ensure that the fire service comments are included.

We hope to have a meeting scheduled with the Assembly Program and Counsel staff soon to understand their positions on the Essential Services bill and other EMS issues that are rumored to be part of an omnibus bill that we have not seen yet.

VFBL parity with Workers Compensation. This bill has been kicked around for a few years, but we have not been successful in getting the bill passed out of committee. We will continue to pursue this issue that would rightly align VFBL with Workers Compensation benefit levels, especially since the benefits have not been raised since the 1990s.

Building Code and legislating the code. The statutory responsibility for developing and maintaining the Uniform Fire Prevention and Building Code (Uniform Code) and the State Energy Conservation Construction Code (Energy Code) lies with the State Fire Prevention and Building Code Council (Code Council). If the Code Council decides to amend either code, it commences a process for rule making set forth in the State Administrative Procedure Act (SAPA). The Code Council ensures that public health, safety, and environmental protection are carefully considered throughout the process.

We have been speaking out to legislators urging them not to legislate the code. As the Codes are being reviewed and amended, the fire service needs to continue to communicate with legislators to protect the process of the Code Council and not pass legislation that cannot be easily changed when the Codes need updating.

54-G. In 2025 there is expected to be a deficit. We will likely see budget cuts and increased taxes to help close the gap. We have fought for 54-G money to be allocated to local governments for the enforcement of fire prevention and building codes instead of being swept into the General Fund. It is unlikely this will change in the next Budget cycle, but we will continue to advocate for that.

Timely Adoption of Updated Building Code. We will once again support legislation to direct the state fire prevention and building code council to update the state fire prevention and building code and the state energy conservation construction code within a reasonable timeframe (18 months) of the publication of any updated or revised edition of the international and national codes.

Allowing for “reasonable expenses incurred.” Allow “reimbursements for reasonable expenses incurred” at the discretion of Authorities Having Jurisdiction. We will attempt to include this in the Budget process.

This is another topic that should be discussed at the leader’s table. This Governor’s office is obviously supportive of the concept. We should consider whether or not we need to make changes to the current stipend process and/or suggest other ideas for her to consider.

Another topic we may want to discuss with the Governor’s Office is possible changes to the V-Fire Grant process. One idea already being suggested is to allow for invoicing-only for the financially strapped departments.

This fall we are working with the Governor’s Office to ensure that our Memos in Support or Opposition are on file for all bills we are tracking that have passed both houses. If warranted, we can set up meetings with the Governor’s staff on any bills that require additional conversation.

We will also be working with the Governor’s office on the implementation of the \$2 million grant program in support of peer-to-peer support networks for first responders that was secured in this year’s budget.

We look forward to working with you on the above issues, any new issues, meetings with new legislators, finding new sponsors for our bills, and getting as many issues as possible in the Budget. We will also continue to work with our partners in the fire service to align on issues that we have in common, develop our 2025 IUC agenda and Budget asks, as well as holding a joint Lobby Day, weekly, bi-weekly, and monthly calls to coordinate our efforts.

Please let us know if you have any questions, comments, or concerns.

Thank you!

-Todd H. Vandervort, President and CEO