

294-17

OFFICE OF THE  
DEMOCRATIC MINORITY



PETER J. CLINES, ESQ.  
MINORITY COUNSEL

**NASSAU COUNTY LEGISLATURE**  
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING  
1550 FRANKLIN AVENUE - ROOM 131  
MINEOLA, NEW YORK 11501  
TELEPHONE: (516) 571-6232 - FAX: (516) 571-6125  
email: PCLINES@NASSAUCOUNTYNY.GOV

## Inter-Departmental Memo

To: Office of the Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel *[Signature]*

CC: Hon. Norma Gonsalves, Presiding Officer  
Hon. Kevan Abrahams, Minority Leader

Date: July 13, 2017

Re: A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE IN  
RELATION TO ALTERNATE POWER SOURCE BACKUP GENERATORS IN MULTIPLE  
DWELLINGS DESIGNATED FOR OCCUPANCY BY SENIOR CITIZENS AND DISABLED  
PERSONS.

Attached please find the above referenced proposed local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Norma Gonsalves along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

2017 JUL 13 PM 3:30  
NASSAU COUNTY  
LEGISLATURE

Introduced by: Legislator Siela Bynoe.

Co-sponsored by: Minority Leader Kevan Abrahams and Legislators Ellen Birnbaum, Laura Curran, Delia DeRiggi-Whitton, Arnold W. Drucker, and Carrié Solages.

PROPOSED LOCAL LAW NO.     – 2017

A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE IN RELATION TO ALTERNATE POWER SOURCE BACKUP GENERATORS IN MULTIPLE DWELLINGS DESIGNATED FOR OCCUPANCY BY SENIOR CITIZENS AND DISABLED PERSONS.

PETER J. CLINES MINORITY COUNSEL

APPROVED AS TO FORM

2017 JUL 13 PM 4:31  
NASSAU COUNTY CLERK

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. A new Title C-1A is added to the open housing provisions of the Nassau County Administrative Code to read as follows:

#### TITLE C-1A

#### BACKUP GENERATORS IN MULTIPLE DWELLINGS DESIGNATED FOR OCCUPANCY BY SENIOR CITIZENS AND DISABLED PERSONS

§ 21-9.7A. Legislative Intent. In order to prevent elderly and disabled individuals from being stranded in their dwellings during power outages, this Legislature hereby requires that owners of multifamily dwellings designated for senior citizens or disabled occupancy shall install emergency standby generators to ensure the continued operation of public elevators within the building. This Legislature recognizes it has previously imposed designs and standards under the human rights law with regard to ensuring that multifamily dwellings are accessible to individuals with disabilities. The Legislature hereby enacts this Section pursuant to its authority under the New York State Executive Law Section 379 and based on the relevant

provisions within the Nassau County Fire Prevention Ordinance and any provisions thereafter incorporating standards for standby generators.

The requirements described within this legislation are intended to protect the safety and welfare of vulnerable members within the community, especially in times of prolonged power outages during catastrophic weather events such as Hurricane Irene and Superstorm Sandy as well as periodic outages caused by seasonal weather conditions such as windstorms, snowstorms, and ice storms. As the frequency and intensity of powerful storms impact the Long Island region, the necessity of an emergency standby generator system is imperative.

§ 21-9.7B. Definitions.

- a. “Senior citizen” shall mean individuals, male or female, who are 62 years of age or more or couples in which at least one of the individuals is 62 years of age or more.
- b. “Disabled person” shall have the meaning set forth in Section 21-9.2 of the Nassau County Administrative Code as well as an individual with a physical or mental impairment that limits one or more major life activities of such individual.
- c. “Emergency continuous generator” shall mean a backup electrical source supplying power at a 100% load with the capacity to provide continued uninterrupted operation throughout dwellings designated for occupancy by senior citizens and disabled persons.
- d. “Emergency standby generator” shall mean a backup electrical source that operates automatically within seconds of a power outage to service critical safety systems, including, but not limited to elevators and fire protection systems.
- e. As used in section 21-9.7B(b) above, “major life activities” shall mean activities including, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, communicating, and working.

§ 21-9.7C. Generator Installation- Where Required.

- a. Within six months from the effective date of this Title, any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling in Nassau County designated for occupancy by senior citizens or disabled persons, including a condominium, containing at least one public elevator, shall install an emergency standby generator system that will enable such elevator or elevators to continue to operate during and following a natural disaster, manmade disaster, emergency, or any interruption or outage in the electrical power supply. The emergency standby generator system shall also have the capacity to provide power to illuminate all common areas and emergency signs as well as keep fire safety equipment such as sprinkler systems and smoke and fire alarms operational throughout the building for a minimum of 14 days or the standard provided for in the New York State Uniform Prevention and Building Code, whichever is greater.
- b. Any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling in Nassau County designated for occupancy by senior citizens or disabled persons, including a condominium, containing at least one public elevator constructed in Nassau County after the effective date of this local law shall be equipped with an emergency continuous generator system that shall enable such elevator or elevators to continue to operate during an interruption or outage in the electrical power supply. The continuous generator system shall have the capacity to provide power throughout the building to operate continually with a consistent load.

§ 21-9.7D. Standards for Installation, Maintenance, and Testing.

All emergency standby and continuous generators subject to this Title shall be installed, maintained, and tested in accordance with the Nassau County Fire Prevention Ordinance, National Fire Prevention Association Standards, and the National Electrical Code.

§ 21-9.7E. Enforcement.

- a. The Commissioner of Health shall designate the Chief Fire Marshal to promulgate rules, including but not limited to inspection and the issuance of certificates of compliance, to carry out the provisions of this Title.
- b. Any owner or agent who knowingly and willfully violates any provision of this article or who fails to comply with any order or requirement of the Chief Fire Marshal shall be guilty of a violation punishable by a fine of not more than \$1,000 or by imprisonment of not more than 15 days.
- c. Nothing stated within this Title or rules promulgated by the Chief Fire Marshal shall limit or restrict the authority of the jurisdictions where the multifamily dwelling is located to regulate the installation, maintenance, and inspection of elevators.

§ 21-9.7F. Notice of Backup Generator on Premises.

- a. All multifamily dwellings subject to this Title shall post signage conspicuously next to each elevator to notify persons therein that an alternate power source generator system is located on the premises that will enable such elevator or elevators to continue to operate in the event of an interruption or outage in the electrical power supply. Such sign shall be printed on a white card in red letters at least one-half inch in height the following statement: "This building is equipped with a backup generator to provide power for elevator operation in the event of a power outage."
- b. The Chief Fire Marshal is hereby authorized, empowered, and directed to affix such signage within ten days of installation and inspection of any emergency standby or continuous generator.
- c. For any new construction of a multifamily dwelling where seniors or disabled persons shall reside, the Chief Fire Marshal shall affix the signage required pursuant to Section 6(a) of this Title within ten days from the date the certificate of occupancy is issued by the department of buildings or similar authority within the jurisdiction in which the dwelling is located.

§ 21-9.7G. Affordable Residential Dwellings.

To minimize or eliminate passing on the cost complying with this Title to individuals living in a multifamily affordable residential dwelling for senior citizens or disabled persons that is financed or insured by the United States Department of Housing and Urban Development, any person, firm, or corporation that owns or manages such dwelling must use due diligence to obtain grant funding from the Federal Government or the State of New York for the purpose recouping the cost of purchase and installation of the emergency and standby generator system.

**Section 2. Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 3. SEQRA Determination.** It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R. and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

**Section 4. Effective Date.** This Local Law shall take effect immediately.

Introduced by: Legislator Siela Bynoe.

Co-sponsored by: Minority Leader Kevan Abrahams and Legislators Ellen Birnbaum, Laura Curran, Delia DeRiggi-Whitton, Arnold W. Drucker, and Carrié Solages.

LOCAL LAW NO. – 2017

A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE IN RELATION TO ALTERNATE POWER SOURCE BACKUP GENERATORS IN MULTIPLE DWELLINGS DESIGNATED FOR OCCUPANCY BY SENIOR CITIZENS AND DISABLED PERSONS.

2017 JUN 13 P 4:31  
NASSAU COUNTY  
LEGISLATURE

BE IT ENACTED by the County Legislature of the County of Nassau as follows:

**Section 1.** A new Title C-1A is added to the open housing provisions of the Nassau County Administrative Code to read as follows:

**TITLE C-1A**

**BACKUP GENERATORS IN MULTIPLE DWELLINGS DESIGNATED FOR  
OCCUPANCY BY SENIOR CITIZENS AND DISABLED PERSONS**

**§ 21-9.7A. Legislative Intent.** In order to prevent elderly and disabled individuals from being stranded in their dwellings during power outages, this Legislature hereby requires that owners of multifamily dwellings designated for senior citizens or disabled occupancy shall install emergency standby generators to ensure the continued operation of public elevators within the building. This Legislature recognizes it has previously imposed designs and standards under the human rights law with regard to ensuring that multifamily dwellings are accessible to individuals with disabilities. The Legislature hereby enacts this Section pursuant to its authority under the New York State Executive Law Section 379 and based on the relevant provisions within the Nassau County Fire Prevention Ordinance and any provisions thereafter incorporating standards for standby generators.



The requirements described within this legislation are intended to protect the safety and welfare of vulnerable members within the community, especially in times of prolonged power outages during catastrophic weather events such as Hurricane Irene and Superstorm Sandy as well as periodic outages caused by seasonal weather conditions such as windstorms, snowstorms, and ice storms. As the frequency and intensity of powerful storms impact the Long Island region, the necessity of an emergency standby generator system is imperative.

**§ 21-9.7B. Definitions.**

- a. "Senior citizen" shall mean individuals, male or female, who are 62 years of age or more or couples in which at least one of the individuals is 62 years of age or more.
- b. "Disabled person" shall have the meaning set forth in Section 21-9.2 of the Nassau County Administrative Code as well as an individual with a physical or mental impairment that limits one or more major life activities of such individual.
- c. "Emergency continuous generator" shall mean a backup electrical source supplying power at a 100% load with the capacity to provide continued uninterrupted operation throughout dwellings designated for occupancy by senior citizens and disabled persons.
- d. "Emergency standby generator" shall mean a backup electrical source that operates automatically within seconds of a power outage to service critical safety systems, including, but not limited to elevators and fire protection systems.
- e. As used in section 21-9.7B(b) above, "major life activities" shall mean activities including, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, communicating, and working.

**§ 21-9.7C. Generator Installation- Where Required.**

- a. Within six months from the effective date of this Title, any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling in Nassau County designated for occupancy by senior citizens or disabled



persons, including a condominium, containing at least one public elevator, shall install an emergency standby generator system that will enable such elevator or elevators to continue to operate during and following a natural disaster, manmade disaster, emergency, or any interruption or outage in the electrical power supply. The emergency standby generator system shall also have the capacity to provide power to illuminate all common areas and emergency signs as well as keep fire safety equipment such as sprinkler systems and smoke and fire alarms operational throughout the building for a minimum of 14 days or the standard provided for in the New York State Uniform Prevention and Building Code, whichever is greater.

- b. Any person, firm, or corporation that owns, manages, or operates a residential multifamily dwelling in Nassau County designated for occupancy by senior citizens or disabled persons, including a condominium, containing at least one public elevator constructed in Nassau County after the effective date of this local law shall be equipped with an emergency continuous generator system that shall enable such elevator or elevators to continue to operate during an interruption or outage in the electrical power supply. The continuous generator system shall have the capacity to provide power throughout the building to operate continually with a consistent load.

#### **§ 21-9.7D. Standards for Installation, Maintenance, and Testing.**

All emergency standby and continuous generators subject to this Title shall be installed, maintained, and tested in accordance with the Nassau County Fire Prevention Ordinance, National Fire Prevention Association Standards, and the National Electrical Code.

#### **§ 21-9.7E. Enforcement.**

- a. The Commissioner of Heath shall designate the Chief Fire Marshal to promulgate rules, including but not limited to inspection and the issuance of certificates of compliance, to carry out the provisions of this Title.

- b. Any owner or agent who knowingly and willfully violates any provision of this article or who fails to comply with any order or requirement of the Chief Fire Marshal shall be guilty of a violation punishable by a fine of not more than \$1,000 or by imprisonment of not more than 15 days.
- c. Nothing stated within this Title or rules promulgated by the Chief Fire Marshal shall limit or restrict the authority of the jurisdictions where the multifamily dwelling is located to regulate the installation, maintenance, and inspection of elevators.

**§ 21-9.7F. Notice of Backup Generator on Premises.**

- a. All multifamily dwellings subject to this Title shall post signage conspicuously next to each elevator to notify persons therein that an alternate power source generator system is located on the premises that will enable such elevator or elevators to continue to operate in the event of an interruption or outage in the electrical power supply. Such sign shall be printed on a white card in red letters at least one-half inch in height the following statement: "This building is equipped with a backup generator to provide power for elevator operation in the event of a power outage."
- b. The Chief Fire Marshal is hereby authorized, empowered, and directed to affix such signage within ten days of installation and inspection of any emergency standby or continuous generator.
- c. For any new construction of a multifamily dwelling where seniors or disabled persons shall reside, the Chief Fire Marshal shall affix the signage required pursuant to Section 6(a) of this Title within ten days from the date the certificate of occupancy is issued by the department of buildings or similar authority within the jurisdiction in which the dwelling is located.

**§ 21-9.7G. Affordable Residential Dwellings.**

To minimize or eliminate passing on the cost complying with this Title to individuals living in a multifamily affordable residential dwelling for senior citizens or disabled persons that is financed or insured by the United States

Department of Housing and Urban Development, any person, firm, or corporation that owns or manages such dwelling must use due diligence to obtain grant funding from the Federal Government or the State of New York for the purpose recouping the cost of purchase and installation of the emergency and standby generator system.

**Section 2. Severability.** If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 3. SEQRA Determination.** It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R. and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

**Section 4. Effective Date.** This Local Law shall take effect immediately.