

253-23
(LE)

OFFICE OF THE
DEMOCRATIC MINORITY



NASSAU COUNTY LEGISLATURE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE - ROOM 131
MINEOLA, NEW YORK 11501

Inter-Departmental Memo

To: Michael C. Pulitzer, Clerk of the Legislature

From: Gabriela Castillo, Esq., Deputy Counsel, Minority Legislature
Timothy M. Nigro, Intern; John Ricupero, Intern; Alexandra Whitmore, Intern

CC: Hon. Richard Nicoletto, Presiding Officer
Hon. Kevan Abrahams, Minority Leader

Date: July 31, 2023

Re: A LOCAL LAW REQUIRING ALL NASSAU COUNTY 9-1-1 CALL CENTERS TO
IMPLEMENT THE NECESSARY TECHNOLOGY TO RECEIVE TEXT TO 9-1-1
MESSAGES

Attached please find the above referenced local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to the Presiding Officer Richard Nicoletto along with our request that this item be placed on the next available legislative agenda and properly noticed in accordance with the County Government Laws of Nassau County and the adopted rules of the Nassau County Legislature.

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

Thank you.

2023 JUL 31 4 39 PM

RECEIVED
NASSAU COUNTY
LEGISLATIVE COUNSEL

Introduced by: Legislator Delia DeRiggi-Whitton

Co-Sponsored by: Minority Leader Kevan Abrahams and Legislator Arnold W. Drucker

PROPOSED LOCAL LAW NO. - 2023

A LOCAL LAW REQUIRING ALL NASSAU COUNTY 9-1-1 CALL CENTERS TO
IMPLEMENT THE NECESSARY TECHNOLOGY TO RECEIVE 9-1-1 TEXT MESSAGES

APPROVED AS TO FORM

Michelle M. Dancy
MINORITY COUNSEL

WHEREAS, the information provided to emergency services from a 9-1-1 call is vital for the safety of those in an emergency situation; and

WHEREAS, state law allows for the allocation of funds in the form of grants and reimbursements to municipalities for the development of 9-1-1 technology; and

WHEREAS, the currently utilized technology and practice for contacting 9-1-1 in Nassau County is limited to voice calls; and

WHEREAS, those who are deaf, hard of hearing, or speech impaired cannot or have difficulty communicating vital information to 9-1-1 dispatchers; and

WHEREAS, individuals in dangerous situations, such as those involving active shooters, hostage situations, or domestic violence may be put in danger if they were to directly call 9-1-1; and

RECEIVED
NASSAU COUNTY
CLERK'S OFFICE
2023 JUL 31 P 4:39

WHEREAS, several other counties within New York State, including Suffolk County, Ulster County, Niagara County, and Putnam County have already implemented a text to 9-1-1 service; and

WHEREAS, emergency services in counties who have already initiated the text to 9-1-1 service have expressed positive sentiments towards the technology; and

WHEREAS, the Nassau County Legislature has a strong fundamental interest in ensuring the well-being of all residents in emergency situations; and

WHEREAS, Nassau County is obligated to implement this program by September 15, 2023 under a settlement agreement reached in May of 2023 for a complaint filed in 2017 alleging violations of Title II of the Americans with Disabilities Act. *See Logerfo v City of New York* 17-CV-00010-JMA-A, YS (E.D.N.Y. May 8, 2020); and

WHEREAS, Nassau County was named as one of the defendants in the above titled matter because the actual incident giving rise to the lawsuit occurred in Nassau; and

WHEREAS, there is a clear need and urgency for legislation that will better serve our residents and ensure protection from future liability on this issue; now, therefore

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

Title _____

Section 1. Short Title. This law shall be known as the Text to 9-1-1 Act and shall appear in the Miscellaneous Laws as Title _____.

Section 2. Nassau County call centers shall be required to implement a text to 9-1-1 service pursuant to the 21st Century Communications and Video Accessibility Act and as agreed upon in the above-mentioned Settlement. The function must be fully operational twenty-four (24) hours a day, seven (7) days a week.

Section 3. All Nassau County 9-1-1 call centers are required to include the necessary technology, staff, and infrastructure to effectively implement, operate, and maintain text to 9-1-1 technology, including appropriate real-time translation for those with limited English proficiency.

Section 4. Funds allocated to Nassau County by way of the New York State public safety surcharge fee pursuant to New York State Tax Law §186-f (6)(c) may be utilized to implement the text to 9-1-1 service.

Section 5. The Nassau County Police Commissioner and the Nassau County Fire Marshal shall oversee the development and implementation of the text to 9-1-1 service in their respective departments. The Commissioner and Fire Marshal shall seek the advice and consultation of advocates representing individuals with disabilities while overseeing the implementation of the text to 9-1-1 service, including but not limited to the Nassau County Disability Advisory Council. The Commissioner and the Fire Marshal must ensure that the text to 9-1-1 service remains active at all times.

Section 6. The Nassau County Police Commissioner and the Nassau County Fire Marshal shall make all reasonable efforts to promote and engage in robust outreach efforts to inform the public about the rollout of the Text to 9-1-1 service, including all terms and deadlines agreed to in the May 2023 Settlement Agreement referenced above that will allow for live implementation by the agreed upon date of September 15, 2023.

Section 7. Nassau County shall develop an accessible text to 9-1-1 online complaint form on the Department of Information Technology website for issues, complaints, or concerns regarding the text to 9-1-1 service. Any issues regarding the text to 9-1-1 service can be reported via the Department of Information Technology online complaint form or by calling the Department of Information Technology directly.

Section 8. Any individual who misuses or abuses the text to 9-1-1 service shall be subject to all local, state, and federal laws and regulations, including applicable fines and/or imprisonment.

Section 9. 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 10. SEQRA. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of Title 6 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)(26) and (33) 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 11. Effective Date. This local law shall take effect immediately.

Introduced by: Legislator Delia DeRiggi-Whitton

Co-Sponsored by: Minority Leader Kevan Abrahams and Legislator Arnold W. Drucker

LOCAL LAW NO. - 2023

A LOCAL LAW REQUIRING ALL NASSAU COUNTY 9-1-1 CALL CENTERS TO
IMPLEMENT THE NECESSARY TECHNOLOGY TO RECEIVE 9-1-1 TEXT MESSAGES

APPROVED AS TO FORM

Michelle M. Casey
MINORITY COUNSEL

WHEREAS, the information provided to emergency services from a 9-1-1 call is vital for the safety of those in an emergency situation; and

WHEREAS, state law allows for the allocation of funds in the form of grants and reimbursements to municipalities for the development of 9-1-1 technology; and

WHEREAS, the currently utilized technology and practice for contacting 9-1-1 in Nassau County is limited to voice calls; and

WHEREAS, those who are deaf, hard of hearing, or speech impaired cannot or have difficulty communicating vital information to 9-1-1 dispatchers; and

WHEREAS, individuals in dangerous situations, such as those involving active shooters, hostage situations, or domestic violence may be put in danger if they were to directly call 9-1-1; and

WHEREAS, several other counties within New York State, including Suffolk County, Ulster County, Niagara County, and Putnam County have already implemented a text to 9-1-1 service; and

WHEREAS, emergency services in counties who have already initiated the text to 9-1-1 service have expressed positive sentiments towards the technology; and

WHEREAS, the Nassau County Legislature has a strong fundamental interest in ensuring the well-being of all residents in emergency situations; and

WHEREAS, Nassau County is obligated to implement this program by September 15, 2023 under a settlement agreement reached in May of 2023 for a complaint filed in 2017 alleging violations of Title II of the Americans with Disabilities Act. *See Logerfo v City of New York* 17-CV-00010-JMA-A, YS (E.D.N.Y. May 8, 2020); and

WHEREAS, Nassau County was named as one of the defendants in the above titled matter because the actual incident giving rise to the lawsuit occurred in Nassau; and

WHEREAS, there is a clear need and urgency for legislation that will better serve our residents and ensure protection from future liability on this issue; now, therefore

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

Title ____

Section 1. Short Title. This law shall be known as the Text to 9-1-1 Act and shall appear in the Miscellaneous Laws as Title ____.

Section 2. Nassau County call centers shall be required to implement a text to 9-1-1 service pursuant to the 21st Century Communications and Video Accessibility Act and as agreed upon in the above-mentioned Settlement. The function must be fully operational twenty-four (24) hours a day, seven (7) days a week.

Section 3. All Nassau County 9-1-1 call centers are required to include the necessary technology, staff, and infrastructure to effectively implement, operate, and maintain text to 9-1-1 technology, including appropriate real-time translation for those with limited English proficiency.

Section 4. Funds allocated to Nassau County by way of the New York State public safety surcharge fee pursuant to New York State Tax Law §186-f (6)(c) may be utilized to implement the text to 9-1-1 service.

Section 5. The Nassau County Police Commissioner and the Nassau County Fire Marshal shall oversee the development and implementation of the text to 9-1-1 service in their respective departments. The Commissioner and Fire Marshal shall seek the advice and consultation of advocates representing individuals with disabilities while overseeing the implementation of the text to 9-1-1 service, including but not limited to the Nassau County Disability Advisory Council. The Commissioner and the Fire Marshal must ensure that the text to 9-1-1 service remains active at all times.

Section 6. The Nassau County Police Commissioner and the Nassau County Fire Marshal shall make all reasonable efforts to promote and engage in robust outreach efforts to inform the public about the rollout of the Text to 9-1-1 service, including all terms and deadlines agreed to in the May 2023 Settlement Agreement referenced above that will allow for live implementation by the agreed upon date of September 15, 2023.

Section 7. Nassau County shall develop an accessible text to 9-1-1 online complaint form on the Department of Information Technology website for issues, complaints, or concerns regarding the text to 9-1-1 service. Any issues regarding the text to 9-1-1 service can be reported via the Department of Information Technology online complaint form or by calling the Department of Information Technology directly.

Section 8. Any individual who misuses or abuses the text to 9-1-1 service shall be subject to all local, state, and federal laws and regulations, including applicable fines and/or imprisonment.

Section 9. 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 10. SEQRA. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of Title 6 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)(26) and (33) 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 11. Effective Date. This local law shall take effect immediately.