



Legislation Text

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Res. No. 1764

Resolution calling on the New York State Legislature to pass and the Governor to sign the New York Emergency Responder Act, which would limit the liability of certain service providers during times of natural disasters, emergencies, or catastrophic events.

By Council Member Brannan

Whereas, New York City has faced numerous large-scale emergencies and natural disasters over the past decades including the 9/11 terrorist attacks, Superstorm Sandy and most recently, effects from remnants of Hurricane Ida; and

Whereas, These events not only resulted in the loss of life, but also billions of dollars in extensive property and infrastructure damage throughout the City; and

Whereas, Contractors, such as Bovis Construction and Turner Construction, as well as other professionals, responded to requests from City government to help mitigate building and infrastructure damage from the events of 9/11, and subsequently learned that insurance was not readily available to protect them from certain civil liabilities while providing debris removal; and

Whereas, It took over one year for the federal government, at the request of the City of New York, to establish a \$1 billion dollar insurance company to protect contractors and the City against liability claims resulting from debris removal at ground zero; and

Whereas, As a result of these types of financial obstacles, such entities could be reluctant to assist in subsequent municipal emergencies without proper civil liability coverage; and

Whereas, Facing substantial liability exposure precludes these professionals, who provide vital expertise and services, in assisting government during times of crisis; and

Whereas, In order to quickly address and stabilize issues to infrastructure and rebuilding needs when such events occur, there should be a mechanism to protect professionals and construction service providers

from liability when rendering these essential services; and

Whereas, A.5679, introduced by New York State Assemblymember Steve Englebright, and companion bill S.6377, introduced by New York State Senator Diane Savino, also known as the “*New York Emergency Responder Act*”, are pending in the New York State Legislature; and

Whereas, The *New York Emergency Responder Act* aims to protect licensed design professionals and other construction service providers in the building industry by extending rights and benefits to limit liability for providing advice, services, labor and materials during times of natural disasters and emergencies; and

Whereas, The *New York Emergency Responder Act* would amend the New York State Executive Law by adding new section 29-f, which would provide that any person, firm, or corporation, including any engineer, architect, landscape architect, land surveyor, contractor, subcontractor, laborer, and/or supplier, who is requested by government to render advice or services in connection with a declared emergency is not liable for certain damages that may occur; and

Whereas, These provisions would not be applied in cases of willful or intentional misconduct and expire 60 days after the natural disaster or emergency has been declared; and

Whereas, By providing liability protection, the *New York Emergency Responder Act* would help incentivize members of the construction industry to respond to declared emergencies rapidly and efficiently - helping government to quickly limit damages caused during an emergency and prevent further damage; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign the *New York Emergency Responder Act*, which would limit the liability of certain service providers during times of natural disasters, emergencies, or catastrophic events.

WJH
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