SCAFFOLD LAW REFORM BELONGS IN THE FY22 NYS BUDGET

The Scaffold Law Means Fewer Affordable Housing Units - Thousands Fewer

• The Scaffold Law has been shown to add up to 7% in costs to a construction project. Based on the New York City and New York State’s affordable housing capital plans, an additional 12,600 affordable housing units could have been created and preserved statewide over the last 5 years.

• Thousands of vulnerable families are deprived of stable and safe housing, as a result, and many end up in shelters and temporary housing.

• In a budget emergency, and facing an existing affordable housing shortage that will be exacerbated by the COVID crisis, we can no longer afford costly and outdated laws.

The Scaffold Law is Unnecessary Today

• The Scaffold Law (NYS Labor Law section 240/41) was voted into law in 1885 and imposes “absolute liability” for elevation-related injuries on contractors and property owners engaged in construction, repair, or demolition work. New York remains the only State with a law of this kind on its books.

• Enacted into law before OSHA, and prior to 100 years of worker protections, the Scaffold Law is outdated and unnecessary.

• New York City now mandates extensive Site Safety Training, and recently announced 100,000 construction workers trained in site safety protocols since 2017.

• Local Law 196 requires that workers at job sites with a Construction Superintendent, Site Safety Coordinator, or Site Safety Manager, must have a minimum of 40 hours of site safety training.

• Since 2007, the NYC Department of Buildings alone has enacted more than 25 new laws designed to increase safety at construction sites.

If You Live in New York, You are Paying for the Scaffold Law

• The Scaffold Law applies not only to affordable housing, it applies to all construction work. It costs taxpayers $785 million annually, according to a 2013 report by the Rockefeller Institute of Government.

• The Scaffold Law is estimated to have added between $200 – $400 million in additional costs to the construction of the new Governor Mario M. Cuomo Bridge.

• Over half of NYS counties have passed resolutions calling for the Governor to reform the Scaffold Law because of its excessive costs to municipalities and taxpayers.

How Do We Fix It?

The current standard of “absolute liability” must be replaced with a standard of “comparative negligence.” Under this standard, liability is apportioned by a jury or judge, in proportion to actual fault. This common-sense reform would not prevent injured workers from being compensated for their injuries. It would simply provide an opportunity to have liability determined based on the facts. This is the way every other state and virtually every other area of our civil justice system functions.