

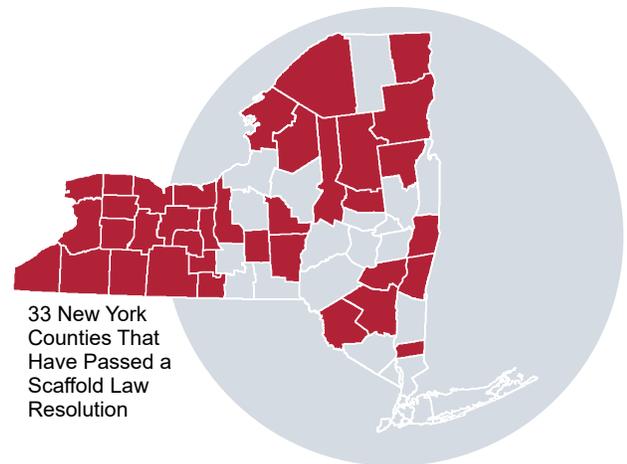
# SCAFFOLD LAW REFORM BELONGS IN THE FY22 NYS BUDGET

## 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existing affordable housing shortage that will be exacerbated by the COVID crisis, **we can no longer afford costly and outdated laws.**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- Enacted into law before OSHA, and prior to 100 years of worker protections, the Scaffold Law is outdated and unnecessary.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.**

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