



# **FLBOA** Finger Lakes Building Officials Association, Inc.

An Affiliated Member of the New York State Building Officials Conference

Finger Lakes Building Officials Assoc.  
3100 Atlantic Ave.  
Penfield, NY 14526

November 23, 2016

Department of State  
One Commerce Plaza  
99 Washington Ave. Suite 1160  
Albany, N.Y. 12231-0001

Attn: John Addario, Director

Dear Director Addario;

I am writing this letter on behalf of the 200 plus members of the Finger Lakes Building Officials Association. We have a number of concerns we would like the Division of Code Enforcement and Administration to work with us to address. Our members are keenly aware that over the past 4 or 5 years there has been a reduction in the staffing levels of the Division, that there has been a reorganization of the Division to address some of these losses and there have been policy changes involving the interaction between the regional technical representatives of the Division and the local code officials. As the State makes significant and important upgrades to the codes our members are required to enforce we find that with the increased complexity of the codes, the increased reliance on our members to provide education and guidance to the design professionals, contractors, and property owners we are faced with a loss in the level of service from the regional technical support staff we had been accustomed to.

We want to be perfectly clear that the regional technical staff that work in our area are competent individuals who strive to provide adequate service throughout the region. However less than 10 years ago the communities of the region we represent had available to our members four regional representatives. These individuals made a point of visiting

each of our communities several times each year. They were available to visit a construction site if challenging code issues arose, and when applicable they visited the locations where variances were being sought so that they could provide firsthand knowledge to the Boards of Review. They were available to provide guidance to design professionals and owners when there was a difference of opinion on the application of the Codes. What had been divided into four “territories” that permitted back-up for staff time in Albany, vacations and work over-load is now being covered by one individual. This is a pattern we understand from our involvement at the state level that has been repeated across the state due to a loss of staff and revised policies.

We feel that these changes impact our communities and our ability to provide the best service to the citizens we serve. These changes impact our ability to provide the safest built environment within our communities.

Our members have expressed concern that it is difficult to secure a hearing before the Regional Boards of Review, principally due to the lack of a quorum to be able to hold a hearing. There have been a number of vacancies in the upstate region which required applicants and code officials to travel to Buffalo or Syracuse after waiting in some cases up to 6 months for a hearing date in their home region. Not only is this an additional cost to the applicant and the municipality, but the time delay has cost some owners an entire construction season. We recognize that this lack of responsiveness to requests for variances from the Regional Boards of Review due to vacancies on the Boards and the ability to secure a quorum of members is not within your purview, but we are seeking your counsel on addressing this concern. We note that in some cases members of the Boards of Review that have served for many years have been removed and either not replaced or replaced with individuals who have no knowledge of the Board and little experience with the complex issues that often come before the Board. The lack of hearings has a significant economic impact on development in our area and an impact on effective code enforcement.

We have always enjoyed the open dialog we have had with the Division of Code Enforcement and Administration and have benefited greatly from the assistance they have provided to our members in the challenge of enforcing the Uniform Code and the Energy Code in our area of the state. We realize the Division must live within the budget it receives and with the policies it is dictated, but as an organization we feel that the current staffing levels and support policies are greatly impacting our ability to provide the best service to the citizens of our communities.

While the State continues to collect millions of dollars under the State Finance Law, Article 4-A, 54-G that are earmarked by the Law to support local governments in enforcing the Uniform Building Code it is a travesty that the Division is being strangled in its efforts to provide technical assistance on a local level. The members of the Finger Lakes Building

Officials Association feel that loss of regional technical staff, the policy constraints placed on their direct interaction and on-site technical support and the inability to have variances heard within the region on a timely basis has an impact on the level of code enforcement services we can provide the public we serve.

Respectfully,



Wm. Scott Copp, President  
Finger Lakes Building Officials Association

Cc:

Secretary of State Rossana Rosado  
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Senator Rich Funke  
Senator Joseph E. Robach  
Senator Catharine M. Young  
Senator Michael H. Ranzenhofer  
Senator Robert G. Ort  
Assemblyman Robert C. Oaks  
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