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Subject:

The following is an email that went out to a municipality due to a complaint that DOS received regarding that municipality's failure to enforce the requirements of the Code on the Amish residents of the area. Our response is a reminder to all CEOs to avoid any type of discrimination with regard to your administration and enforcement of the New York State Uniform Fire Prevention and Building Code.

Dear _____, Thank you for your response to my email regarding a complaint which we received about _____. We are aware that there is a lawsuit in litigation in the Town of Morristown (St. Lawrence County) regarding a number of individual Amish residents of the Town. We understand that the actual hearing will be some time in the future.

Regardless, there has been no decision in that case, and there has been no ruling which would suggest that anyone refrain from properly administering the New York State Uniform Fire Prevention and Building Code on any party in the interim other than the specifically identified individuals in the case.

19NYCRR, 1203, and your own local laws do not waive permit or inspection responsibilities for any regulated party, regardless of religious, ethnic or any other basis. To do less would suggest that there is selective enforcement involved, which is not appropriate.

New York State has a large, and growing Amish population, with residences located throughout the State. We have received no other reports that local governments are excluding them from code enforcement and we expect that all municipalities with such a population continue to apply proper administration and enforcement requirements on all regulated parties until such time, if ever, there is a court order to the contrary or the Department of State's regulations change to reflect any exemption.

We look forward to receiving a response to the complaint.

Richard Thomson, CPCA
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