

6675

I N   S E N A T E

February 26, 2014

---

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the executive law, in relation to notice requirements and enforcement for residential buildings with truss type, pre-engineered wood or timber construction

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The executive law is amended by adding a new section 382-b  
2     to read as follows:  
3     S 382-B. RESIDENTIAL BUILDINGS WITH TRUSS TYPE, PRE-ENGINEERED WOOD  
4     OR TIMBER CONSTRUCTION; NOTICE REQUIREMENTS. 1. A. ANY PERSON UTILIZING  
5     TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION FOR THE ERECTION  
6     OF ANY NEW RESIDENTIAL STRUCTURE, FOR ANY ADDITION TO AN EXISTING RESI-  
7     DENTIAL STRUCTURE, OR FOR ANY REHABILITATION OF AN EXISTING RESIDENTIAL  
8     STRUCTURE, SHALL, UPON APPLICATION FOR A BUILDING PERMIT WITH THE MUNI-  
9     CIPALITY HAVING JURISDICTION, INCLUDE ON THE PERMIT APPLICATION THAT  
10    TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION IS BEING  
11    UTILIZED.  
12    B. THE PROPERTY OWNER OR THE PROPERTY OWNER'S REPRESENTATIVE SHALL  
13    COMPLETE A FORM PROVIDED BY THE COUNCIL DESIGNATING THE STRUCTURE AS  
14    TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION AND FILE SUCH  
15    FORM WITH THE APPLICATION FOR A BUILDING PERMIT.  
16    C. UPON RECEIVING THE APPLICATION FOR A BUILDING PERMIT AND A FORM  
17    DESIGNATING THE STRUCTURE AS TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER  
18    CONSTRUCTION, THE MUNICIPALITY HAVING JURISDICTION SHALL NOTIFY BY  
19    CERTIFIED MAIL, FACSIMILE, E-MAIL OR OTHER ELECTRONIC MEANS, THE CHIEF  
20    OF THE FIRE DISTRICT, FIRE DEPARTMENT OR FIRE COMPANY HAVING JURISDIC-  
21    TION OVER THE STRUCTURE TO BE CREDITED, ADDED TO, OR MODIFIED, OR HIS OR  
22    HER DESIGNEE, THAT TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER  
23    CONSTRUCTION IS BEING UTILIZED.  
24    D. AS A CONDITION OF THE FINAL RECEIPT OF A CERTIFICATE OF OCCUPANCY  
25    OR CERTIFICATE OF COMPLETION, A STICKER DESIGNED AND APPROVED BY THE  
26    COUNCIL SHALL BE AFFIXED TO THE EXTERIOR ELECTRIC PAN BOX.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD03234-04-4

1 E. THE PROPERTY OWNER OR HIS OR HER REPRESENTATIVE SHALL BE RESPONSIB-  
2 BLE FOR MAINTAINING THE STICKER ON THE ELECTRIC PAN BOX OF THE RESI-  
3 DENCE, AS REQUIRED BY PARAGRAPH D OF THIS SUBDIVISION, AND SHALL REPLACE  
4 THE STICKER WHEN ANY CHANGES OR MODIFICATIONS ARE MADE TO THE ELECTRIC  
5 PAN BOX OR THE STICKER IS DAMAGED.

6 2. A. THE LOCAL BUILDING DEPARTMENT OR LOCAL CODE ENFORCEMENT OFFICIAL  
7 HAVING JURISDICTION OVER THE RESIDENTIAL STRUCTURE TO BE ERECTED, ADDED  
8 TO, OR MODIFIED, OR HIS OR HER DESIGNEE SHALL CONSULT WITH THE COUNTY  
9 FIRE COORDINATOR, LOCAL 911 AND FIRE PROTECTION DISPATCHERS, AND THE  
10 LOCAL FIRE PROTECTION PROVIDER OR ENTITY DEEMED PERTINENT TO DETERMINE  
11 THE MANNER SUFFICIENT TO WARN PERSONS CONDUCTING FIRE CONTROL AND OTHER  
12 EMERGENCY OPERATIONS OF THE EXISTENCE OF TRUSS TYPE, PRE-ENGINEERED WOOD  
13 OR TIMBER CONSTRUCTION IN THE STRUCTURE.

14 B. THE CHIEF OF THE FIRE DISTRICT, FIRE DEPARTMENT, OR FIRE COMPANY  
15 HAVING JURISDICTION OVER THE RESIDENTIAL STRUCTURE TO BE ERECTED, ADDED  
16 TO, OR MODIFIED, OR HIS OR HER DESIGNEE SHALL USE THE INFORMATION  
17 PROVIDED UNDER SUBDIVISION ONE OF THIS SECTION TO WARN PERSONS CONDUCT-  
18 ING FIRE CONTROL AND OTHER EMERGENCY OPERATIONS OF THE EXISTENCE OF  
19 TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION IN THE STRUCTURE.

20 3. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS IT DEEMS NECES-  
21 SARY TO CARRY INTO EFFECT THE PROVISIONS OF THIS SECTION.

22 4. LOCAL GOVERNMENTS SHALL PROVIDE BY LOCAL LAW FOR THE ENFORCEMENT OF  
23 THE PROVISIONS OF THIS SECTION. LOCAL GOVERNMENTS MAY PROVIDE FOR JOINT  
24 ENFORCEMENT OF THE PROVISIONS OF THIS SECTION BY AGREEMENT PURSUANT TO  
25 ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW.

26 5. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY CITY WITH A  
27 POPULATION OF ONE MILLION OR MORE PERSONS.

28 S 2. This act shall take effect on the first of January next succeed-  
29 ing the date on which it shall have become a law; provided, however,  
30 that effective immediately, the addition, amendment and/or repeal of any  
31 rule or regulation necessary for the implementation of this act on its  
32 effective date is authorized and directed to be made and completed with-  
33 in 180 days after the date on which this act shall have become a law.