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I N   S E N A T E

February 26, 2014

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Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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1 D. AS A CONDITION OF THE FINAL RECEIPT OF A CERTIFICATE OF OCCUPANCY  
2 OR CERTIFICATE OF COMPLETION, A STICKER DESIGNED AND APPROVED BY THE  
3 COUNCIL SHALL BE AFFIXED TO THE EXTERIOR ELECTRIC PAN BOX.

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

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

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

23 C. THE OFFICERS AND MEMBERS OF THE FIRE DEPARTMENT SHALL NOT BE LIABLE  
24 CIVILLY OR CRIMINALLY FOR ANY FAILURE TO WARN PERSONS CONDUCTING FIRE  
25 CONTROL OR OTHER EMERGENCY OPERATIONS EXCEPT FOR WILLFUL NEGLIGENCE OR  
26 MALFEASANCE.

27 3. THE COUNCIL SHALL MAKE AVAILABLE CONTINUING EDUCATION HIGHLIGHTING  
28 TRUSS TYPE, PRE-ENGINEERED WOOD OR TIMBER CONSTRUCTION.

29 4. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS IT DEEMS NECES-  
30 SARY TO CARRY INTO EFFECT THE PROVISIONS OF THIS SECTION.

31 5. LOCAL GOVERNMENTS SHALL PROVIDE BY LOCAL LAW FOR THE ENFORCEMENT OF  
32 THE PROVISIONS OF THIS SECTION. LOCAL GOVERNMENTS MAY PROVIDE FOR JOINT  
33 ENFORCEMENT OF THE PROVISIONS OF THIS SECTION BY AGREEMENT PURSUANT TO  
34 ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW.

35 6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY CITY WITH A  
36 POPULATION OF ONE MILLION OR MORE PERSONS.

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