

STATE OF NEW YORK

9784

IN ASSEMBLY

February 7, 2018

Introduced by M. of A. RYAN -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the general business law, in relation to authorizing the city of Buffalo to adopt and enforce local laws and ordinances relating to the abatement of, remediation of, presence of and testing for lead in buildings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 379 of the executive law, as
2 amended by chapter 348 of the laws of 2017, is amended and a new subdivi-
3 sion 6 is added to read as follows:

4 1. Except in the case of factory manufactured homes, intended for use
5 as one or two family dwelling units or multiple dwellings of not more
6 than two stories in height, the legislative body of any local government
7 may duly enact or adopt local laws or ordinances imposing higher or more
8 restrictive standards for construction within the jurisdiction of such
9 local government than are applicable generally to such local government
10 in the uniform code. [~~Within~~ Except as otherwise provided in subdivi-
11 sion six of this section, within thirty days of such enactment or
12 adoption, the chief executive officer, or if there be none, the chairman
13 of the legislative body of such local government, shall so notify the
14 council, and shall petition the council for a determination of whether
15 such local laws or ordinances are more stringent than the standards for
16 construction applicable generally to such local government in the
17 uniform code. Such local laws or ordinances shall take full force and
18 effect upon an affirmative determination by the council as provided
19 herein.

20 6. Notwithstanding the provisions of any other subdivision of this
21 section and except in the case of factory manufactured homes, intended
22 for use as one or two family dwelling units or multiple dwellings of not
23 more than two stories in height, the legislative body of the city of
24 Buffalo may duly enact or adopt local laws, codes or ordinances imposing
25 higher or more restrictive standards for the presence of, abatement of,
26 remediation of and testing for the presence of lead in buildings within

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

LBD14494-01-8

1 the jurisdiction of such city that are applicable generally to such city
2 in the uniform code. No local law, code or ordinance enacted or adopted
3 pursuant to this subdivision shall be subject to review or any determi-
4 nation by the council.

5 § 2. Subdivision 2 of section 777 of the general business law, as
6 added by chapter 709 of the laws of 1988, is amended to read as follows:

7 2. "Building code" means the uniform fire prevention and building code
8 promulgated under section three hundred seventy-seven of the executive
9 law, local building code standards approved by the uniform fire
10 prevention and building code council under section three hundred seven-
11 ty-nine of the executive law, local building code standards relating to
12 lead enacted or adopted pursuant to subdivision six of section three
13 hundred seventy-nine of the executive law, and the building code of the
14 city of New York, as defined in title twenty-seven of the administrative
15 code of the city of New York.

16 § 3. This act shall take effect immediately.