STATE OF NEW YORK

11680

IN ASSEMBLY

September 2, 2026

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simone) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to adopting standards of the International code council for the design, fabrication and assembly of factory manufactured homes, and in relation to third party review of factory manufactured homes

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

Section 1. Subdivision 2 of section 377 of the executive law, as added by chapter 707 of the laws of 1981, paragraph a as amended by chapter 772 of the laws of 1986, is amended to read as follows:

2. The uniform fire prevention and building code shall:

a. provide reasonably uniform standards and requirements for construction and construction materials for public and private buildings[~~, including factory manufactured homes,~~] consonant with accepted standards of engineering and fire prevention practices;

b. formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;

c. permit to the fullest extent feasible, use of modern technical methods, devices and improvements which tend to reduce the cost of construction without substantially affecting reasonable requirements for the health, safety and security of the occupants or users of buildings;

d. encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material and techniques; [~~and~~]

e. **adopt the International Code Council (ICC)/MBI 1200-2021 Standard for Off-site Construction: Planning, Design, Fabrication and Assembly, ICC/MBI 1205-2021 Standard for Off-site Construction, and ICC/MBI 1210-2023 Standard for Mechanical, Electrical, Plumbing Systems, Energy Efficiency and Water Conservation in Off-site Construction: Inspection and Regulatory Compliance; and**

f. eliminate restrictive, obsolete, conflicting and unnecessary building regulations and requirements which tend to increase unnecessarily

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

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construction costs or retard unnecessarily the use of new materials, or provide unwarranted preferential treatment to types or classes of material or products or methods of construction.

§ 2. Paragraph c of subdivision 1 of section 383 of the executive law, as amended by chapter 772 of the laws of 1986, is amended to read as follows:

c. That, in cities with a population of over one million, the existing building and fire prevention codes shall continue in full force and effect beyond January one, nineteen hundred eighty-four unless the council, after analysis and consultation with the building and fire officials of such cities, shall determine that said local code provisions are less stringent than the uniform code. Existing local statutory, regulatory and administrative laws and provisions of such cities shall continue in full force and effect unless the foregoing is determined by the council. Notwithstanding this paragraph, when such factory manufactured homes are intended for use as one or two family dwelling units or multiple dwellings of not more than two stories in height, provided such multiple dwellings are not intended for use as hotels or motels, the [~~provisions of this article and of the uniform fire prevention and building code~~] **International Code Council (ICC)/MBI 1200-2021 Standard for Off-site Construction: Planning, Design, Fabrication and Assembly, ICC/MBI 1205-2021 Standard for Off-site Construction, and ICC/MBI 1210-2023 Standard for Mechanical, Electrical, Plumbing Systems, Energy Efficiency and Water Conservation in Off-site Construction: Inspection and Regulatory Compliance** pertaining to factory manufactured homes shall supersede any other provision of general, special or local law, ordinance, administrative code, rule or regulation inconsistent or in conflict therewith.

§ 3. Paragraph g of subdivision 1 of section 381 of the executive law, as amended by chapter 560 of the laws of 2010, is amended to read as follows:

g. procedures for inspection of certain classes of buildings based upon design, construction, ownership, occupancy or use, including, but not limited to, mobile homes, factory manufactured homes and state-owned buildings**; provided that any plans or specifications of factory manufactured homes which are in compliance with the standards adopted by the International code council pursuant to paragraph e of subdivision two of section three hundred seventy-seven of this article shall be approved by unit serial number and may be used in subsequent development projects pursuant to this subdivision provided that no modification has been made to the building standards relating to factory manufactured homes pursuant to article three hundred eighty-one-a of this article since the plan or specification received its initial approval**,

§ 4. The executive law is amended by adding a new section 381-a to read as follows:

§ 381-a. Third party review of factory manufactured homes. 1. (a) The department shall provide by regulation for qualification and disqualification of design approval agencies to perform approval of factory manufactured homes and factory manufactured development plans and specifications. The approvals of such design approval agencies shall be deemed the equivalent of department approval. The regulations for qualification of design approval agencies shall specifically provide for the absence of any conflict of interest between manufacturers and design approval agencies and for department oversight of design approval agency performance through an audit process.

(b) An architect licensed pursuant to article one hundred forty-five or one hundred forty-seven of the education law may perform approval of factory manufactured housing and factory manufactured development plans and specifications under penalty of perjury. Approvals by an engineer or architect licensed in this state shall be deemed the equivalent of department approval. The department shall provide by regulation for the qualification of engineers and architects for this purpose.

2. (a) The department shall enforce and inspect the installation of factory manufactured homes. The department shall provide by regulation for the qualification and disqualification of installation inspection agencies to perform inspections of the installation of factory manufactured homes and the construction of factory manufactured developments. The installation of factory manufactured homes and the construction of factory manufactured developments shall be conducted in accordance with the requirements of the building standards published in the New York state uniform fire prevention and building code relating to factory manufactured homes.

(b) Any plans or specifications of factory manufactured homes approved by the department pursuant to this section shall be approved by unit serial number and may be used in subsequent development projects pursuant to this subdivision provided that no modification has been made to the building standards relating to factory manufactured homes adopted pursuant to this article since the plan or specification received its initial approval.

3. (a) Local use zoning requirements, local snow load requirements, local wind pressure requirements, local fire zones, building setbacks, side and rear yard requirements, site development and property line requirements, as well as the review and regulation of architectural and aesthetic requirements are specifically and entirely reserved to local jurisdictions notwithstanding any requirement of this section.

(b) Local requirements imposed on factory manufactured homes or factory manufactured developments pursuant to the authority granted by this section shall not vary substantially from the requirements imposed on other residential buildings of similar size.

4. The department shall hear appeals brought by any person regarding the application to that person of any building standard published in the New York state uniform fire prevention and building code relating to factory manufactured homes or factory manufactured developments or to any other rule or regulation of the department promulgated pursuant to this article.

§ 5. Subdivision 2 of section 382 of the executive law, as amended by chapter 571 of the laws of 2021, is amended and a new subdivision 2-a is added to read as follows:

2. Any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the uniform fire prevention and building code, who shall fail to comply with such order within the time fixed by the regulations promulgated by the secretary pursuant to subdivision one of section three hundred eighty-one of this article, such time period to be stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the uniform code or any lawful order of a local government, a county or the secretary made thereunder regarding standards for construction, maintenance, or fire

protection equipment and systems, shall be [~~punishable by a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both for the first one hundred eighty days, and for the following one hundred eighty days shall be punishable by a fine of no less than twenty-five dollars and not more than one thousand dollars per day of violation or imprisonment not exceeding one year, or both and thereafter shall be punishable by a fine of no less than fifty dollars and not more than one thousand dollars per day of violation or imprisonment not exceeding one year, or both~~] guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

2-a. (a) For violations of section three hundred eighty-one-a of this article, the department shall assess civil penalties of at least two hundred fifty dollars but no more than two thousand dollars. When determining the amount of the civil penalty, the department shall take into consideration whether one or more of the following or similar circumstances apply:

(i) The citation includes multiple violations;

(ii) The cited person has a history of violations of the same or similar provisions of this article and the regulations promulgated under this article;

(iii) In the judgment of the department, the person has exhibited bad faith or a conflict of interest;

(iv) In the judgment of the department, the violation is serious or harmful;

(v) The citation involves a violation perpetrated against a senior citizen, veteran, or person with disabilities; and

(vi) There is exculpatory evidence that, in the judgment of the department, is material to the elements of the current violation for which the citation is being issued and is significantly related to the degree of fault.

(b) If a citation lists more than one violation and each of the violations relates to the same manufacturing facility or client, the total penalty assessment in each citation shall not exceed ten thousand dollars.

(c) If a citation lists more than one violation, the amount of assessed civil penalty shall be stated separately for each violation.

§ 6. This act shall take effect on the ninetieth day after it shall have become a law.