S T A T E  O F  N E W  Y O R K

1379

2009-2010 Regular Sessions

I N  A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. ENGLEBRIGHT, GABRYSZAK -- 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 local governments 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:

Section 1. Subdivision 1 of section 379 of the executive law, as amended by chapter 772 of the laws of 1986, is amended and a new subdivision 6 is added to read as follows:

1. Except in the case of factory manufactured homes, intended for use as one or two family dwelling units or multiple dwellings of not more than two stories in height, the legislative body of any local government may duly enact or adopt local laws or ordinances imposing higher or more restrictive standards for construction within the jurisdiction of such local government than are applicable generally to such local government in the uniform code. [Within] EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISION SIX OF THIS SECTION, WITHIN thirty days of such enactment or adoption, the chief executive officer, or if there be none, the chairman of the legislative body of such local government, shall so notify the council, and shall petition the council for a determination of whether such local laws or ordinances are more stringent than the standards for construction applicable generally to such local government in the uniform code. During the period in which the council is considering such petition, such local laws or ordinances shall remain in full force and effect.

6. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER SUBDIVISIONS OF THIS SECTION AND EXCEPT IN THE CASE OF FACTORY MANUFACTURED HOMES, INTENDED FOR USE AS ONE OR TWO FAMILY DWELLING UNITS OR MULTIPLE DWELLINGS OF NOT

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

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MORE THAN TWO STORIES IN HEIGHT, THE LEGISLATIVE BODY OF ANY LOCAL GOVERNMENT MAY DULY ENACT OR ADOPT LOCAL LAWS, CODES OR ORDINANCES IMPOSING HIGHER OR MORE RESTRICTIVE STANDARDS FOR THE PRESENCE OF, ABATEMENT OF, REMEDIATION OF AND TESTING FOR THE PRESENCE OF LEAD IN BUILDINGS WITHIN THE JURISDICTION OF SUCH LOCAL GOVERNMENT THAT ARE APPLICABLE GENERALLY TO SUCH LOCAL GOVERNMENT IN THE UNIFORM CODE. NO LOCAL LAW, CODE OR ORDINANCE ENACTED OR ADOPTED PURSUANT TO THIS SUBDIVISION SHALL BE SUBJECT TO REVIEW OR ANY DETERMINATION BY THE COUNCIL.

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

2. "Building code" means the uniform fire prevention and building code promulgated under section three hundred seventy-seven of the executive law, local building code standards approved by the uniform fire prevention and building code council under section three hundred seventy-nine of the executive law, LOCAL BUILDING CODE STANDARDS RELATING TO LEAD ENACTED OR ADOPTED PURSUANT TO SUBDIVISION SIX OF SECTION THREE HUNDRED SEVENTY-NINE OF THE EXECUTIVE LAW, and the building code of the city of New York, as defined in title twenty-seven of the administrative code of the city of New York.

S 3. This act shall take effect immediately.