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

5571

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. V. LOPEZ -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to requiring building superintendents to be certified by the secretary of state

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

Section 1. The general business law is amended by adding a new article 28-F to read as follows:

ARTICLE 28-F

CERTIFICATION OF BUILDING SUPERINTENDENTS

SECTION 491. DEFINITIONS.

491-A. CERTIFICATION REQUIRED.

491-B. CERTIFICATION PROCEDURE, REQUIREMENTS.

491-C. VIOLATIONS AND PENALTIES.

S 491. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "BUILDING SUPERINTENDENT" MEANS ANY PERSON HIRED BY THE OWNER OF A RENTAL DWELLING TO OVERSEE THE UPKEEP, MAINTENANCE AND DAY-TO-DAY OPERATIONS OF SUCH RENTAL DWELLING.

2. "CERTIFICATE" SHALL MEAN A CERTIFICATE ISSUED BY THE DEPARTMENT OF STATE PURSUANT TO SECTION FOUR HUNDRED NINETY-ONE-B OF THIS ARTICLE.

3. "DEPARTMENT" MEANS THE DEPARTMENT OF STATE.

4. "RENTAL DWELLING" MEANS ANY BUILDING WITH TEN OR MORE RENTAL UNITS.

5. "SECRETARY" MEANS THE SECRETARY OF STATE.

S 491-A. CERTIFICATION REQUIRED. ALL BUILDING SUPERINTENDENTS OF RENTAL DWELLINGS SHALL HOLD A CERTIFICATE ISSUED PURSUANT TO SECTION FOUR HUNDRED NINETY-ONE-B OF THIS ARTICLE. NO OWNER OF A RENTAL DWELLING SHALL HIRE AN INDIVIDUAL TO PERFORM THE SAME DUTIES AS A BUILDING SUPERINTENDENT, AS DEFINED IN SECTION FOUR HUNDRED NINETY-ONE OF THIS ARTICLE, UNLESS SUCH PERSON HOLDS A VALID CERTIFICATE ISSUED PURSUANT TO SECTION FOUR HUNDRED NINETY-ONE-B OF THIS ARTICLE.

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

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S 491-B. CERTIFICATION PROCEDURE, REQUIREMENTS. 1. ON OR AFTER THE FIRST DAY OF NOVEMBER, TWO THOUSAND NINE, ALL PERSONS WISHING TO ACT IN THE CAPACITY OF BUILDING SUPERINTENDENT SHALL APPLY TO THE DEPARTMENT FOR A CERTIFICATE.

2. EACH APPLICANT FOR A CERTIFICATE SHALL BE AT LEAST TWENTY-ONE YEARS OF AGE. THE SECRETARY SHALL ESTABLISH MINIMUM EDUCATION AND WORK EXPERIENCE REQUIREMENTS ALONG WITH ANY OTHER REQUIREMENTS HE OR SHE SHALL DEEM TO BE NECESSARY TO RECEIVE A CERTIFICATE.

3. AN APPLICATION FOR A CERTIFICATE SHALL BE FILED WITH THE SECRETARY IN SUCH FORM AND DETAIL AS THE SECRETARY SHALL PRESCRIBE, DULY SIGNED AND VERIFIED.

4. WITHIN THIRTY DAYS AFTER THE FILING OF AN APPLICATION FOR A CERTIFICATE ACCOMPANIED BY THE REGISTRATION FEE, THE SECRETARY SHALL ISSUE A CERTIFICATE.

5. EVERY APPLICATION SHALL BE ACCOMPANIED BY AN APPLICATION FEE OF FIFTY DOLLARS, WHICH SHALL IN NO EVENT BE REFUNDED. IF THE APPLICATION IS APPROVED BY THE SECRETARY, UPON PAYMENT OF A REGISTRATION FEE OF ONE HUNDRED DOLLARS, THE APPLICANT SHALL BE GRANTED A CERTIFICATE TO BE VALID FOR ONE YEAR FOLLOWING THE DATE OF ISSUANCE. THE ANNUAL FEE FOR RENEWAL OF A CERTIFICATE SHALL BE ONE HUNDRED DOLLARS.

S 491-C. VIOLATIONS AND PENALTIES. 1. ALL CERTIFIED BUILDING SUPERINTENDENTS SHALL BE LIABLE FOR THEIR OWN VIOLATIONS OF ANY LAW, RULE OR REGULATION.

2. ANY VIOLATIONS OF ANY LAW GOVERNING THE MAINTENANCE, UPKEEP AND DAY-TO-DAY OPERATIONS OF A RENTAL DWELLING BY A BUILDING SUPERINTENDENT SHALL RESULT IN A WARNING FOR THE FIRST OFFENSE AND A SUSPENSION OF HIS OR HER CERTIFICATE UNTIL THE OFFENSE IS REMEDIED FOR THE SECOND AND THIRD OFFENSES. ANY FURTHER OFFENSE SHALL RESULT IN A PERMANENT SUSPENSION OF THE CERTIFICATE.

3. ANY VIOLATIONS OF THIS ARTICLE BY A BUILDING SUPERINTENDENT OR ONE ACTING AS SUCH SHALL RESULT IN A WARNING FOR THE FIRST OFFENSE, THE SECOND VIOLATION SHALL RESULT IN A FINE OF ONE HUNDRED DOLLARS AND EACH ADDITIONAL VIOLATION SHALL RESULT IN A FINE OF FIVE HUNDRED DOLLARS. ANY VIOLATIONS OF THIS ARTICLE BY AN OWNER OF A RENTAL DWELLING SHALL RESULT IN A FINE OF ONE THOUSAND DOLLARS TO BE CHARGED EACH DAY SUCH OWNER IS IN VIOLATION OF THIS ARTICLE.

S 2. This act shall take effect immediately.