

1379

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 379 of the executive law, as  
2     amended by chapter 772 of the laws of 1986, is amended and a new subdi-  
3     vision 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. During the period in which the council is considering such  
18    petition, such local laws or ordinances shall remain in full force and  
19    effect.  
20    6. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER SUBDIVISIONS 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

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

LBD04212-01-9

1 MORE THAN TWO STORIES IN HEIGHT, THE LEGISLATIVE BODY OF ANY LOCAL  
2 GOVERNMENT MAY DULY ENACT OR ADOPT LOCAL LAWS, CODES OR ORDINANCES  
3 IMPOSING HIGHER OR MORE RESTRICTIVE STANDARDS FOR THE PRESENCE OF,  
4 ABATEMENT OF, REMEDIATION OF AND TESTING FOR THE PRESENCE OF LEAD IN  
5 BUILDINGS WITHIN THE JURISDICTION OF SUCH LOCAL GOVERNMENT THAT ARE  
6 APPLICABLE GENERALLY TO SUCH LOCAL GOVERNMENT IN THE UNIFORM CODE. NO  
7 LOCAL LAW, CODE OR ORDINANCE ENACTED OR ADOPTED PURSUANT TO THIS SUBDI-  
8 VISION SHALL BE SUBJECT TO REVIEW OR ANY DETERMINATION BY THE COUNCIL.  
9 S 2. Subdivision 2 of section 777 of the general business law, as  
10 added by chapter 709 of the laws of 1988, is amended to read as follows:  
11 2. "Building code" means the uniform fire prevention and building code  
12 promulgated under section three hundred seventy-seven of the executive  
13 law, local building code standards approved by the uniform fire  
14 prevention and building code council under section three hundred seven-  
15 ty-nine of the executive law, LOCAL BUILDING CODE STANDARDS RELATING TO  
16 LEAD ENACTED OR ADOPTED PURSUANT TO SUBDIVISION SIX OF SECTION THREE  
17 HUNDRED SEVENTY-NINE OF THE EXECUTIVE LAW, and the building code of the  
18 city of New York, as defined in title twenty-seven of the administrative  
19 code of the city of New York.  
20 S 3. This act shall take effect immediately.