

4857

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 8, 2011

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

AN ACT to amend the executive law, in relation to notice requirements and enforcement for residential buildings with truss type construction

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

1     Section 1. The executive law is amended by adding a new section 382-b  
2     to read as follows:  
3     S 382-B.     RESIDENTIAL BUILDINGS WITH TRUSS TYPE CONSTRUCTION; NOTICE  
4     REQUIREMENTS. 1. A. ANY PERSON UTILIZING TRUSS TYPE CONSTRUCTION FOR  
5     THE ERECTION OF ANY NEW RESIDENTIAL STRUCTURE, FOR ANY ADDITION TO AN  
6     EXISTING RESIDENTIAL STRUCTURE, OR FOR ANY REHABILITATION OF AN EXISTING  
7     RESIDENTIAL STRUCTURE, SHALL, UPON APPLICATION FOR A BUILDING PERMIT  
8     WITH THE MUNICIPALITY HAVING JURISDICTION, INCLUDE ON THE PERMIT APPLI-  
9     CATION THAT TRUSS TYPE CONSTRUCTION OR LIGHTWEIGHT CONSTRUCTION IS BEING  
10    UTILIZED.  
11    B. UPON APPLICATION FOR A BUILDING PERMIT WITH THE MUNICIPALITY HAVING  
12    JURISDICTION, THE APPLICANT SHALL PROVIDE SUCH MUNICIPALITY A NOTARIZED  
13    AFFIDAVIT OF MAILING AFFIRMING THAT THE APPLICANT HAS NOTIFIED, BY  
14    CERTIFIED MAIL, THE CHIEF OF THE FIRE DISTRICT HAVING JURISDICTION OVER  
15    THE STRUCTURE TO BE ERECTED, ADDED TO, OR MODIFIED, OR HIS OR HER DESIG-  
16    NEE, THAT TRUSS TYPE CONSTRUCTION OR LIGHTWEIGHT CONSTRUCTION IS BEING  
17    UTILIZED.  
18    2. A. THE CHIEF OF THE FIRE DISTRICT OR ANY ENTITY THAT PROVIDES FIRE  
19    PROTECTION HAVING JURISDICTION OVER THE RESIDENTIAL STRUCTURE TO BE  
20    ERECTED, ADDED TO, OR MODIFIED, OR HIS OR HER DESIGNEE SHALL CONSULT  
21    WITH THE COUNTY FIRE COORDINATOR, LOCAL 911 DISPATCHERS, AND ANY OTHER  
22    PERSON OR ENTITY DEEMED PERTINENT TO DETERMINE THE MANNER SUFFICIENT TO  
23    WARN PERSONS CONDUCTING FIRE CONTROL AND OTHER EMERGENCY OPERATIONS OF  
24    THE EXISTENCE OF TRUSS TYPE CONSTRUCTION IN THE STRUCTURE.

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

LBD07616-03-1

1 B. THE CHIEF OF THE FIRE DISTRICT HAVING JURISDICTION OVER THE RESI-  
2 DENTIAL STRUCTURE TO BE ERECTED, ADDED TO, OR MODIFIED, OR HIS OR HER  
3 DESIGNEE SHALL USE THE INFORMATION PROVIDED UNDER PARAGRAPH B OF SUBDI-  
4 VISION ONE OF THIS SECTION TO WARN PERSONS CONDUCTING FIRE CONTROL AND  
5 OTHER EMERGENCY OPERATIONS OF THE EXISTENCE OF TRUSS TYPE CONSTRUCTION  
6 IN THE STRUCTURE.

7 3. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS IT DEEMS NECES-  
8 SARY TO CARRY INTO EFFECT THE PROVISIONS OF THIS SECTION.

9 4. LOCAL GOVERNMENTS SHALL PROVIDE BY LOCAL LAW FOR THE ENFORCEMENT OF  
10 THE PROVISIONS OF THIS SECTION. LOCAL GOVERNMENTS MAY PROVIDE FOR JOINT  
11 ENFORCEMENT OF THE PROVISIONS OF THIS SECTION BY AGREEMENT PURSUANT TO  
12 ARTICLE FIVE-G OF THE GENERAL MUNICIPAL LAW.

13 5. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY CITY WITH A  
14 POPULATION OF ONE MILLION OR MORE PERSONS.

15 S 2. This act shall take effect on the first of January next succeed-  
16 ing the date on which it shall have become a law; provided, however,  
17 that effective immediately, the addition, amendment and/or repeal of any  
18 rule or regulation necessary for the implementation of this act on its  
19 effective date is authorized and directed to be made and completed with-  
20 in 180 days after the date on which this act shall have become a law.