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

9368

I N A S S E M B L Y

February 24, 2012

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

AN ACT to amend the executive law, in relation to granting local and county governments the authority to inspect state-owned buildings for purposes of enforcing the New York state uniform fire prevention and building code and the New York state energy conservation code

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

Section 1. Section 381 of the executive law is amended by adding a new subdivision 7 to read as follows:

7. NOTWITHSTANDING ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, A LOCAL GOVERNMENT OR COUNTY GOVERNMENT OR AN AGENCY OR DEPARTMENT THEREOF THAT IS RESPONSIBLE FOR THE ENFORCEMENT OF THE UNIFORM FIRE PREVENTION AND BUILDING CODE AND THE ENERGY CONSERVATION CODE IS HEREBY EMPOWERED TO CONDUCT ALL INSPECTIONS AUTHORIZED BY SUCH CODES AND ENFORCE SUCH CODES AGAINST ALL BUILDINGS AND STRUCTURES OWNED, LEASED OR OPERATED BY THE STATE OF NEW YORK OR A STATE AGENCY, AS THAT TERM IS DEFINED IN SECTION THREE HUNDRED SEVENTY-TWO OF THIS ARTICLE, IN THE SAME MANNER AND TO THE SAME EXTENT AS THEY WOULD CONDUCT INSPECTIONS AND ENFORCE SUCH LAWS, RULES AND REGULATIONS AGAINST OTHER BUILDINGS AND STRUCTURES UNDER THEIR JURISDICTION; PROVIDED, HOWEVER, THAT NO FINE SHALL ATTACH RELATIVE TO ANY VIOLATION OF A PROVISION OF SUCH CODES WHICH IS DISCOVERED DURING AN INSPECTION OR ENFORCEMENT ACTION AUTHORIZED BY THIS SUBDIVISION. NOTICE OF A VIOLATION OF A PROVISION OF SUCH CODES WHICH IS DISCOVERED DURING AN INSPECTION OR ENFORCEMENT ACTION AUTHORIZED BY THIS SUBDIVISION SHALL BE ISSUED BY THE LOCAL GOVERNMENT OR COUNTY GOVERNMENT OR THE AGENCY OR DEPARTMENT THEREOF IN WRITING TO THE OFFICE OF GENERAL SERVICES OF THE STATE OR TO THE AGENCY WHICH IS THE OWNER OF THE SUBJECT BUILDING OR STRUCTURE.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before such effective date.

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

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