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

1869

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. SCHIMEL, WEISENBERG, HOOPER, JAFFEE, STEVENSON -- Multi-Sponsored by -- M. of A. GOTTFRIED, THIELE -- 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

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

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WARN PERSONS CONDUCTING FIRE CONTROL AND OTHER EMERGENCY OPERATIONS OF THE EXISTENCE OF TRUSS TYPE CONSTRUCTION IN THE STRUCTURE.

B. THE CHIEF OF THE FIRE DISTRICT HAVING JURISDICTION OVER THE RESIDENTIAL STRUCTURE TO BE ERECTED, ADDED TO, OR MODIFIED, OR HIS OR HER DESIGNEE SHALL USE THE INFORMATION PROVIDED UNDER PARAGRAPH B OF SUBDIVISION ONE OF THIS SECTION TO WARN PERSONS CONDUCTING FIRE CONTROL AND OTHER EMERGENCY OPERATIONS OF THE EXISTENCE OF TRUSS TYPE CONSTRUCTION IN THE STRUCTURE.

3. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS IT DEEMS NECESSARY TO CARRY INTO EFFECT THE PROVISIONS OF THIS SECTION.

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

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

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