

10667

I N A S S E M B L Y

June 10, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cusick) --  
read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to failure to obtain a building permit or certificate of occupancy for a dwelling

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

1 Section 1. The penal law is amended by adding three new sections  
2 270.11, 270.12, and 270.13 to read as follows:  
3 S 270.11 DEFINITIONS.  
4 AS USED IN SECTIONS 270.12 AND 270.13 OF THIS ARTICLE, THE FOLLOWING  
5 TERMS SHALL HAVE THE FOLLOWING DEFINITIONS.  
6 1. THE TERMS "ALTERED" AND "ALTERATION" SHALL MEAN ANY CHANGE IN THE  
7 STRUCTURAL PARTS OF A BUILDING OR ANY CHANGE THAT IMPEDES A PERSON'S  
8 EGRESS FROM A BUILDING DURING A FIRE OR EMERGENCY EVACUATION.  
9 2. THE TERM "DWELLING" SHALL MEAN ANY ONE TO FOUR FAMILY DWELLING  
10 LOCATED IN A CITY WITH A POPULATION OF ONE MILLION OR MORE WHICH IS  
11 OCCUPIED IN WHOLE OR IN PART AS THE HOME, RESIDENCE OR SLEEPING PLACE OF  
12 ONE OR MORE HUMAN BEINGS.  
13 3. THE TERM "ILLEGALLY ALTERED" SHALL MEAN A DWELLING WITH ALTERATIONS  
14 THAT VIOLATE THE BUILDING CODE, OR LOCAL LAW OR REGULATION.  
15 4. THE TERM "LOCAL LAW OR REGULATION" SHALL MEAN THE ADMINISTRATIVE  
16 CODE OF THE CITY OF NEW YORK OR REGULATION THAT HAS BEEN PROMULGATED  
17 THEREUNDER.  
18 S 270.12 FAILURE TO OBTAIN A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY  
19 FOR A DWELLING IN THE SECOND DEGREE.  
20 A PERSON IS GUILTY OF FAILURE TO OBTAIN A BUILDING PERMIT OR CERTIFICATE  
21 OF OCCUPANCY FOR A DWELLING IN THE SECOND DEGREE WHEN:  
22 1. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) FAILED TO OBTAIN A  
23 BUILDING PERMIT PURSUANT TO THE BUILDING CODE OR A LOCAL LAW OR REGULATION  
24 REQUIRING PERMITS FOR ALTERATIONS PRIOR TO ENGAGING IN OR AUTHORIZING  
25 ALTERATIONS TO SUCH DWELLING, (B) SUCH DWELLING WAS ILLEGALLY  
26 ALTERED WITH AUTHORIZATION OF THE OWNER, (C) A PERSON SUFFERED PHYSICAL  
27 INJURY IN OR AROUND SUCH DWELLING, AND (D) ONE OR MORE OF SUCH ALTERATIONS  
28 WERE THE DIRECT OR INDIRECT CAUSE OF SUCH PHYSICAL INJURY; OR

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

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1 2. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) ALTERED OR AUTHOR-  
2 IZED ALTERATION OF A DWELLING, (B) FAILED TO OBTAIN A CERTIFICATE OF  
3 OCCUPANCY PRIOR TO ALLOWING OCCUPATION OF SUCH ALTERED DWELLING PURSUANT  
4 TO THE BUILDING CODE OR A LOCAL LAW OR REGULATION REQUIRING A CERTIF-  
5 ICATE OF OCCUPANCY PRIOR TO ITS USE OR OCCUPANCY, (C) SUCH DWELLING WAS  
6 ILLEGALLY ALTERED WITH AUTHORIZATION OF THE OWNER, (D) A PERSON SUFFERED  
7 PHYSICAL INJURY IN OR AROUND SUCH MULTIPLE DWELLING, AND (E) ONE OR MORE  
8 OF SUCH ALTERATIONS WERE THE DIRECT OR INDIRECT CAUSE OF SUCH PHYSICAL  
9 INJURY.

10 FAILURE TO OBTAIN A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR A  
11 DWELLING IN THE SECOND DEGREE IS A CLASS D FELONY.

12 S 270.13 FAILURE TO OBTAIN A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY  
13 FOR A DWELLING IN THE FIRST DEGREE.

14 A PERSON IS GUILTY OF FAILURE TO OBTAIN A BUILDING PERMIT OR CERTIF-  
15 ICATE OF OCCUPANCY FOR A DWELLING IN THE FIRST DEGREE WHEN:

16 1. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) FAILED TO OBTAIN A  
17 BUILDING PERMIT PURSUANT TO THE BUILDING CODE OR A LOCAL LAW OR REGU-  
18 LATION REQUIRING PERMITS FOR ALTERATIONS PRIOR TO ENGAGING IN ALTER-  
19 ATIONS TO SUCH DWELLING, (B) SUCH DWELLING WAS ILLEGALLY ALTERED WITH  
20 AUTHORIZATION OF THE OWNER, (C) A PERSON SUFFERED SERIOUS PHYSICAL INJU-  
21 RY IN OR AROUND SUCH DWELLING, AND (D) ONE OR MORE OF SUCH ILLEGAL  
22 ALTERATIONS WERE THE DIRECT OR INDIRECT CAUSE OF SUCH SERIOUS PHYSICAL  
23 INJURY; OR

24 2. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) ALTERED A DWELLING,  
25 (B) FAILED TO OBTAIN A CERTIFICATE OF OCCUPANCY PRIOR TO ALLOWING OCCU-  
26 PATION OF SUCH ALTERED DWELLING PURSUANT TO THE BUILDING CODE OR A LOCAL  
27 LAW OR REGULATION REQUIRING A CERTIFICATE OF OCCUPANCY PRIOR TO ITS USE  
28 OR OCCUPANCY, (C) SUCH DWELLING WAS ILLEGALLY ALTERED WITH AUTHORIZATION  
29 OF THE OWNER, (D) A PERSON SUFFERED SERIOUS PHYSICAL INJURY IN OR AROUND  
30 SUCH DWELLING, AND (E) ONE OR MORE OF SUCH ILLEGAL ALTERATIONS WERE THE  
31 DIRECT OR INDIRECT CAUSE OF SUCH SERIOUS PHYSICAL INJURY.

32 FAILURE TO OBTAIN A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY FOR A  
33 DWELLING IN THE FIRST DEGREE IS A CLASS C FELONY.

34 S 2. This act shall take effect on the sixtieth day after it shall  
35 have become a law.