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

3239--A

2015-2016 Regular Sessions

I N S E N A T E

February 3, 2015

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

Section 1. The penal law is amended by adding three new sections 270.11, 270.12, and 270.13 to read as follows:

S 270.11 DEFINITIONS.

AS USED IN SECTIONS 270.12 AND 270.13 OF THIS ARTICLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING DEFINITIONS.

1. THE TERMS "ALTERED" AND "ALTERATION" SHALL MEAN ANY CHANGE IN THE STRUCTURAL PARTS OR EXISTING FACILITIES OF ANY BUILDING OR THE MOVING OF ANY BUILDING FROM ONE LOCATION OR POSITION TO ANOTHER.

2. THE TERM "DWELLING" SHALL MEAN ANY BUILDING OR STRUCTURE OR PORTION THEREOF LOCATED IN A CITY WITH A POPULATION OF ONE MILLION OR MORE WHICH IS OCCUPIED IN WHOLE OR IN PART AS THE HOME, RESIDENCE OR SLEEPING PLACE OF ONE OR MORE HUMAN BEINGS.

3. THE TERM "ILLEGALLY ALTERED" SHALL MEAN A MULTIPLE DWELLING WITH ALTERATIONS THAT VIOLATE THE MULTIPLE DWELLING LAW, OR LOCAL LAW OR REGULATION.

4. THE TERM "LOCAL LAW OR REGULATION" SHALL MEAN THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR REGULATION THAT HAS BEEN PROMULGATED THEREUNDER.

5. THE TERM "MULTIPLE DWELLING" SHALL HAVE THE SAME MEANING AS SECTION FOUR OF THE MULTIPLE DWELLING LAW OR LOCAL LAW OR REGULATION AND SECTION 27-2004 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

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

LBD08204-02-5

S 270.12 FAILURE TO OBTAIN AN ALTERATION PERMIT OR CERTIFICATE OF OCCUPANCY FOR A MULTIPLE DWELLING IN THE SECOND DEGREE.

A PERSON IS GUILTY OF FAILURE TO OBTAIN AN ALTERATION PERMIT OR CERTIFICATE OF OCCUPANCY FOR A MULTIPLE DWELLING IN THE SECOND DEGREE WHEN:

1. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) FAILED TO OBTAIN A PERMIT PURSUANT TO SECTION THREE HUNDRED OF THE MULTIPLE DWELLING LAW, OR A LOCAL LAW OR REGULATION REQUIRING PERMITS FOR ALTERATIONS PRIOR TO ENGAGING IN OR AUTHORIZING ALTERATIONS TO SUCH DWELLING, (B) SUCH MULTIPLE DWELLING WAS ILLEGALLY ALTERED, (C) A PERSON SUFFERED PHYSICAL INJURY IN OR AROUND SUCH DWELLING, AND (D) ONE OR MORE OF SUCH ALTERATIONS WERE THE DIRECT OR INDIRECT CAUSE OF SUCH PHYSICAL INJURY; OR

2. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) ALTERED A MULTIPLE DWELLING, (B) FAILED TO OBTAIN A CERTIFICATE OF OCCUPANCY PRIOR TO ALLOWING OCCUPATION OF SUCH ALTERED MULTIPLE DWELLING PURSUANT TO SECTION THREE HUNDRED ONE OF THE MULTIPLE DWELLING LAW, OR A LOCAL LAW OR REGULATION REQUIRING A CERTIFICATE OF OCCUPANCY PRIOR TO ITS USE OR OCCUPANCY, (C) SUCH MULTIPLE DWELLING WAS ILLEGALLY ALTERED, (D) A PERSON SUFFERED PHYSICAL INJURY IN OR AROUND SUCH MULTIPLE DWELLING, AND (E) ONE OR MORE OF SUCH ALTERATIONS WERE THE DIRECT OR INDIRECT CAUSE OF SUCH PHYSICAL INJURY.

FAILURE TO OBTAIN AN ALTERATION PERMIT OR CERTIFICATE OF OCCUPANCY FOR A MULTIPLE DWELLING IN THE SECOND DEGREE IS A CLASS D FELONY.

S 270.13 FAILURE TO OBTAIN AN ALTERATION PERMIT OR CERTIFICATE OF OCCUPANCY FOR A MULTIPLE DWELLING IN THE FIRST DEGREE.

A PERSON IS GUILTY OF FAILURE TO OBTAIN AN ALTERATION PERMIT OR CERTIFICATE OF OCCUPANCY FOR A MULTIPLE DWELLING IN THE FIRST DEGREE WHEN:

1. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) FAILED TO OBTAIN A PERMIT PURSUANT TO SECTION THREE HUNDRED OF THE MULTIPLE DWELLING LAW, OR A LOCAL LAW OR REGULATION REQUIRING PERMITS FOR ALTERATIONS PRIOR TO ENGAGING IN ALTERATIONS TO SUCH DWELLING, (B) SUCH DWELLING WAS ILLEGALLY ALTERED, (C) A PERSON SUFFERED SERIOUS PHYSICAL INJURY IN OR AROUND SUCH DWELLING, AND (D) ONE OR MORE OF SUCH ILLEGAL ALTERATIONS WERE THE DIRECT OR INDIRECT CAUSE OF SUCH SERIOUS PHYSICAL INJURY; OR

2. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) ALTERED A MULTIPLE DWELLING, (B) FAILED TO OBTAIN A CERTIFICATE OF OCCUPANCY PRIOR TO ALLOWING OCCUPATION OF SUCH ALTERED MULTIPLE DWELLING PURSUANT TO SECTION THREE HUNDRED ONE OF THE MULTIPLE DWELLING LAW, OR A LOCAL LAW OR REGULATION REQUIRING A CERTIFICATE OF OCCUPANCY PRIOR TO ITS USE OR OCCUPANCY, (C) SUCH MULTIPLE DWELLING WAS ILLEGALLY ALTERED, (D) A PERSON SUFFERED SERIOUS PHYSICAL INJURY IN OR AROUND SUCH DWELLING, AND (E) ONE OR MORE OF SUCH ILLEGAL ALTERATIONS WERE THE DIRECT OR INDIRECT CAUSE OF SUCH SERIOUS PHYSICAL INJURY.

FAILURE TO OBTAIN AN ALTERATION PERMIT OR CERTIFICATE OF OCCUPANCY FOR A MULTIPLE DWELLING IN THE FIRST DEGREE IS A CLASS C FELONY.

S 2. Section 304 of the multiple dwelling law is amended by adding a new subdivision 1-b to read as follows:

1-B. EVERY PERSON WHO SHALL VIOLATE OR ASSIST IN THE VIOLATION OF SECTION THREE HUNDRED OR THREE HUNDRED ONE OF THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE, FOR A FIRST OFFENSE, BY A FINE OF NOT EXCEEDING ONE THOUSAND DOLLARS OR BY IMPRISONMENT FOR A PERIOD OF NOT EXCEEDING THIRTY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT; FOR THE SECOND AND ANY SUBSEQUENT OFFENSE ARISING FROM THE FAILURE TO REMOVE THE VIOLATION UPON WHICH THE FIRST OFFENSE WAS BASED, BY A FINE OF NOT

EXCEEDING TWO THOUSAND DOLLARS OR BY IMPRISONMENT FOR A PERIOD OF NOT EXCEEDING SIX MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.