

3239--B

Cal. No. 981

2015-2016 Regular Sessions

I N   S E N A T E

February 3, 2015

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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 -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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.

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

LBD08204-07-6

1 A PERSON IS GUILTY OF FAILURE TO OBTAIN A BUILDING PERMIT OR CERTIF-  
2 ICATE OF OCCUPANCY FOR A DWELLING IN THE SECOND DEGREE WHEN:

3 1. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) FAILED TO OBTAIN A  
4 BUILDING PERMIT PURSUANT TO THE BUILDING CODE OR A LOCAL LAW OR REGU-  
5 LATION REQUIRING PERMITS FOR ALTERATIONS PRIOR TO ENGAGING IN OR AUTHOR-  
6 IZING ALTERATIONS TO SUCH DWELLING, (B) SUCH DWELLING WAS ILLEGALLY  
7 ALTERED WITH AUTHORIZATION OF THE OWNER, (C) A PERSON SUFFERED PHYSICAL  
8 INJURY IN OR AROUND SUCH DWELLING, AND (D) ONE OR MORE OF SUCH ALTER-  
9 ATIONS WERE THE DIRECT OR INDIRECT CAUSE OF SUCH PHYSICAL INJURY; OR

10 2. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) ALTERED OR AUTHOR-  
11 IZED ALTERATION OF A DWELLING, (B) FAILED TO OBTAIN A CERTIFICATE OF  
12 OCCUPANCY PRIOR TO ALLOWING OCCUPATION OF SUCH ALTERED DWELLING PURSUANT  
13 TO THE BUILDING CODE OR A LOCAL LAW OR REGULATION REQUIRING A CERTIF-  
14 ICATE OF OCCUPANCY PRIOR TO ITS USE OR OCCUPANCY, (C) SUCH DWELLING WAS  
15 ILLEGALLY ALTERED WITH AUTHORIZATION OF THE OWNER, (D) A PERSON SUFFERED  
16 PHYSICAL INJURY IN OR AROUND SUCH MULTIPLE DWELLING, AND (E) ONE OR MORE  
17 OF SUCH ALTERATIONS WERE THE DIRECT OR INDIRECT CAUSE OF SUCH PHYSICAL  
18 INJURY.

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

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

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

25 1. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) FAILED TO OBTAIN A  
26 BUILDING PERMIT PURSUANT TO THE BUILDING CODE OR A LOCAL LAW OR REGU-  
27 LATION REQUIRING PERMITS FOR ALTERATIONS PRIOR TO ENGAGING IN ALTER-  
28 ATIONS TO SUCH DWELLING, (B) SUCH DWELLING WAS ILLEGALLY ALTERED WITH  
29 AUTHORIZATION OF THE OWNER, (C) A PERSON SUFFERED SERIOUS PHYSICAL INJU-  
30 RY IN OR AROUND SUCH DWELLING, AND (D) ONE OR MORE OF SUCH ILLEGAL  
31 ALTERATIONS WERE THE DIRECT OR INDIRECT CAUSE OF SUCH SERIOUS PHYSICAL  
32 INJURY; OR

33 2. BEING THE OWNER OF THE DWELLING, HE OR SHE (A) ALTERED A DWELLING,  
34 (B) FAILED TO OBTAIN A CERTIFICATE OF OCCUPANCY PRIOR TO ALLOWING OCCU-  
35 PATION OF SUCH ALTERED DWELLING PURSUANT TO THE BUILDING CODE OR A LOCAL  
36 LAW OR REGULATION REQUIRING A CERTIFICATE OF OCCUPANCY PRIOR TO ITS USE  
37 OR OCCUPANCY, (C) SUCH DWELLING WAS ILLEGALLY ALTERED WITH AUTHORIZATION  
38 OF THE OWNER, (D) A PERSON SUFFERED SERIOUS PHYSICAL INJURY IN OR AROUND  
39 SUCH DWELLING, AND (E) ONE OR MORE OF SUCH ILLEGAL ALTERATIONS WERE THE  
40 DIRECT OR INDIRECT CAUSE OF SUCH SERIOUS PHYSICAL INJURY.

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

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