AN ACT to amend the executive law, in relation to ensuring proper administra-
tion and enforcement of the uniform fire prevention and building code and the state energy conservation construction code

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 381 of the executive law, as
amended by chapter 560 of the laws of 2010, is amended to read as
follows:

2. Except as may be provided in regulations of the secretary pursuant
to subdivision one of this section, every local government shall admin-
ister and enforce the uniform fire prevention and building code and the
state energy conservation construction code on and after the first day
of January, nineteen hundred eighty-four, provided, however, that a
local government may enact a local law prior to the first day of July in
any year providing that it will not enforce such codes on and after the
first day of next succeeding. In such event
the county
January
in which said local government is situated shall administer and enforce
such codes within such local government from and after the first day of
next succeeding the effective date of such local law, in accordance with the provisions of paragraph b of subdivision five of
this section unless the county shall have previously enacted a local law
providing that it will not enforce such codes within that county. In
such event the secretary, in the place and stead of the local
government, shall, directly or by contract, administer and enforce the
uniform code and the state energy conservation construction code in such
local government on and after the first day of April next succeeding. In
the event that a county enacts a local law prior to the first day of
October in any year providing that it will not enforce such codes, the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.
secretary, in the place and stead of the local government, shall,
directly or by contract, administer and enforce such codes from and
after the first day of April next succeeding. A local government or a
county may repeal a local law which provides that it will not enforce
such codes and shall thereafter administer and enforce such codes as
provided above. Two or more local governments may provide for joint
administration and enforcement of the uniform code, the state energy
conservation construction code, or both, by agreement pursuant to arti-
cle five-G of the general municipal law. Any local government may enter
into agreement with the county in which such local government is situ-
ated to administer and enforce the uniform code, the state energy
conservation construction code, or both, within such local government.
Local governments or counties may charge fees to defray the costs of
administration and enforcement.

§ 2. Subdivision 4 of section 381 of the executive law, as added by
chapter 707 of the laws of 1981, is amended to read as follows:
4. If the secretary determines that a local government has failed to
administer and enforce the uniform fire prevention and building code in
accordance with the minimum standards promulgated pursuant to subdivi-
sion one of this section, the secretary shall take any of the following
actions, either individually or in combination in any sequence:
a. The secretary may issue an order compelling compliance by such
local government with the standards for administration and enforce-
ment of the uniform code.
b. The secretary may appoint an oversight officer who shall have the
power and authority to do any or all of the following, at the discretion
of the oversight officer and at the expense of such local government:
   (i) observe and report on compliance with the minimum standards by the
local government; (ii) direct all or any part of the code enforcement
activities of the local government's code enforcement personnel; (iii)
hire, contract for, or otherwise obtain the services of qualified third
parties to review building permit applications and plans and specifica-
tions submitted therewith, conduct construction inspections and periodic
fire safety and property maintenance inspections, and perform other code
enforcement activities within the local government; (iv) issue notices
of violation, appearance tickets, orders to remedy, and other instru-
ments related to code violations within the local government, or direct
the local government to do so, and refer such violations to counsel for
the local government or the district attorney for the county in which
the local government is located for appropriate prosecution; and (v)
take any other steps deemed by the oversight officer to be necessary or
appropriate to ensure that the uniform code is administered and enforced
within such local government in a due and proper manner.
c. The secretary may ask the attorney general to institute in the name
of the secretary an action or proceeding seeking appropriate legal or
equitable relief to require such local government to administer and
enforce the uniform code.
[e-] d. the secretary may designate the county in which such local
government is located to administer and enforce the uniform code in such
local government. In the case of such designation, the provisions of
subdivision five of this section shall apply.
[d-] e. The secretary may, in the place and stead of the local govern-
ment, administer and enforce the uniform code in accordance with the
minimum standards promulgated pursuant to subdivision one of this
section. In such event, the provisions of subdivision five of this
section shall apply.
§ 3. The opening paragraph of subdivision 5 of section 381 of the executive law, as added by chapter 707 of the laws of 1981, is amended to read as follows:

Where the secretary has designated a county to administer and enforce the uniform fire prevention and building code within a local government or has assumed authority for administration and enforcement pursuant to subdivision two or paragraph [d] e of subdivision four of this section:

§ 4. This act shall take effect immediately.