STATE OF NEW YORK

9633--A

IN ASSEMBLY

January 28, 2020

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to penalties for code violations

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

Section 1. Paragraphs h and i of subdivision 1 of section 381 of the executive law, as added by chapter 560 of the laws of 2010, are amended and a new paragraph j is added to read as follows:

h. minimum basic training and in-service training requirements for personnel charged with administration and enforcement of the state energy conservation construction code; [~~and~~]

i. standards and procedures for measuring the rate of compliance with the state energy conservation construction code, and provisions requiring that such rate of compliance be measured on an annual basis[~~.~~]**; and**

j. standards and procedures by which persons seeking building or construction permits or to purchase property held by a land bank or subsidized by public funds identify any outstanding orders of remedy or immediately hazardous violations of the uniform code on properties (1) owned by such person or owned by a corporate entity in which such person is a manager, partner, or authorized person, or owned by the same person or corporate entity which owns the property for which a permit or purchase is sought, including properties owned by a corporate entity in which such person is a manager, partner, or authorized person and (2) the status of each order of remedy and violation.

Every local government may enact local laws which provide that persons, corporate entities, or corporate entities in which any such person who is a member, partner, or authorized person with outstanding orders of remedy or immediately hazardous violations of the uniform code may not obtain building or construction permits or purchase properties from a land bank or subsidized by public funds.

§ 2. Subdivisions 2 and 3 of section 382 of the executive law, subdivision 2 as amended by chapter 135 of the laws of 1997 and subdivision 3 as added by chapter 707 of the laws of 1981, are amended to read as follows:

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

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2. Any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the uniform fire prevention and building code, who shall fail to comply with such order within the time fixed by the regulations promulgated by the secretary pursuant to subdivision one of section three hundred eighty-one of this article, such time period to be stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the uniform code or any lawful order of a local government, a county or the secretary made thereunder regarding standards for construction, maintenance, or fire protection equipment and systems, shall be punishable by a fine of **no less than fifty dollars and** not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both. **A person's second violation related to a property owned by such person shall be punishable by a fine of no less than one hundred dollars and not more than two thousand dollars per day of violation, or imprisonment not exceeding one year, or both. A person's third violation related to a property owned by such person shall be punishable by a fine of not less than one hundred and fifty dollars and not more than three thousand dollars per day of violation, or imprisonment not exceeding one year, or both.**

3. Where the construction or use of a building is in violation of any provision of the uniform code or any lawful order obtained thereunder, a justice of the supreme court at a special term in the judicial district in which the building is located, may order the removal of the building or an abatement of the condition in violation of such provisions. An application for such relief may be made by the secretary, an appropriate municipal officer, or any other person aggrieved by the violation. **Any person, having been served, either personally or by registered or certified mail, with an order to remedy the illegal conversion, maintenance or occupancy of two or more dwellings above the number of dwelling units legally authorized by the certificate of occupancy, who shall fail to comply with such order within the time fixed by the regulations promulgated by the secretary pursuant to subdivision one of section three hundred eighty-one of this article, such time period to be stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the uniform code of any lawful order of a local government, a county or the secretary made thereunder regarding standards for construction, maintenance, or fire protection equipment and systems, shall be punishable by a fine of not less than five hundred dollars. A person's second violation related to a property owned by such person shall be punishable by a fine of not less than one thousand dollars. A person's third violation related to a property owned by such person shall be punishable by a fine of not less than two thousand dollars.**

§ 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.