STATE OF NEW YORK

9631

IN ASSEMBLY

January 28, 2020

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to conducting investigations into the administration and enforcement of the New York state uniform fire prevention and building code and the New York state energy conservation construction code

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

Section 1. Subdivisions 3 and 4 of section 381 of the executive law, as added by chapter 707 of the laws of 1981, are amended to read as follows:

3. **a.** On and after the first day of July, nineteen hundred eighty-five, the secretary shall have power to investigate and conduct hearings relative to whether administration and enforcement of the uniform fire prevention and building code complies with the minimum standards promulgated pursuant to subdivision one of this section. At least ten days written notice of any such hearing shall be provided to the elective or appointive chief executive officer or, if there be none, the chairman of the legislative body of the local government or county whose administration and enforcement of the uniform code is at issue.

b. If the secretary receives from any county, official notice that a local government within the county is not providing administration and enforcement of the uniform fire prevention and building code that complies with the minimum standards promulgated pursuant to subdivision one of this section, the secretary shall investigate and conduct hearings in accordance with the provisions of this subdivision.

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 subdivision 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 enforcement of the uniform code.

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

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b. 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.

c. 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. The secretary may, in the place and stead of the local government, 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.

e. If the secretary's investigation of such local government was initiated by an official notice from the county in which such local government is located, and if the county has requested that the secretary designate the county to administer and enforce the uniform code in such local government, the secretary shall designate the county in which such local government is located to administer and enforce the uniform code in such local government unless the secretary finds that the county would be unable to assume the responsibilities.

§ 2. This act shall take effect immediately.