

# 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:

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

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

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

19 4. If the secretary determines that a local government has failed to  
20 administer and enforce the uniform fire prevention and building code in  
21 accordance with the minimum standards promulgated pursuant to subdivi-  
22 sion one of this section, the secretary shall take any of the following  
23 actions, either individually or in combination in any sequence:

24 a. The secretary may issue an order compelling compliance by such  
25 local government with the standards for administration and enforcement  
26 of the uniform code.

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

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1 b. The secretary may ask the attorney general to institute in the name  
2 of the secretary an action or proceeding seeking appropriate legal or  
3 equitable relief to require such local government to administer and  
4 enforce the uniform code.

5 c. the secretary may designate the county in which such local govern-  
6 ment is located to administer and enforce the uniform code in such local  
7 government. In the case of such designation, the provisions of subdivi-  
8 sion five of this section shall apply.

9 d. The secretary may, in the place and stead of the local government,  
10 administer and enforce the uniform code in accordance with the minimum  
11 standards promulgated pursuant to subdivision one of this section. In  
12 such event, the provisions of subdivision five of this section shall  
13 apply.

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

22 § 2. This act shall take effect immediately.