

STATE OF NEW YORK

9631--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 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:

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

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

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

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

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

17 e. If the secretary finds that the local government is incapable of or
18 unwilling to administer and enforce the uniform code pursuant to the
19 minimum standards and the secretary's investigation of such local
20 government was initiated by an official notice from the county in which
21 such local government is located, and if the county has requested that
22 the secretary designate the county to administer and enforce the uniform
23 code in such local government, the secretary shall designate the county
24 in which such local government is located to administer and enforce the
25 uniform code in such local government unless the secretary finds that
26 the county would be unable to assume the responsibilities.

27 § 2. This act shall take effect immediately.