

STATE OF NEW YORK

7292

IN SENATE

January 16, 2020

Introduced by Sens. MAY, KAVANAGH, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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:

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

4 h. minimum basic training and in-service training requirements for
5 personnel charged with administration and enforcement of the state ener-
6 gy conservation construction code; ~~and~~

7 i. standards and procedures for measuring the rate of compliance with
8 the state energy conservation construction code, and provisions requir-
9 ing that such rate of compliance be measured on an annual basis~~[-]~~; and

10 j. standards and procedures by which persons seeking building or
11 construction permits or to purchase property held by a land bank or
12 subsidized by public funds identify any outstanding orders of remedy or
13 immediately hazardous violations of the uniform code on properties held
14 by such person and the status of each order of remedy and violation.
15 Every local government may enact local laws which provide that individ-
16 uals with outstanding orders of remedy or immediately hazardous
17 violations of the uniform code may not obtain building or construction
18 permits or purchase properties from a land bank or subsidized by public
19 funds.

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

24 2. Any person, having been served, either personally or by registered
25 or certified mail, with an order to remedy any condition found to exist
26 in, on, or about any building in violation of the uniform fire
27 prevention and building code, who shall fail to comply with such order

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

LBD14083-03-0

1 within the time fixed by the regulations promulgated by the secretary
2 pursuant to subdivision one of section three hundred eighty-one of this
3 article, such time period to be stated in the order, and any owner,
4 builder, architect, tenant, contractor, subcontractor, construction
5 superintendent or their agents or any other person taking part or
6 assisting in the construction of any building who shall knowingly
7 violate any of the applicable provisions of the uniform code or any
8 lawful order of a local government, a county or the secretary made thereunder
9 regarding standards for construction, maintenance, or fire
10 protection equipment and systems, shall be punishable by a fine of no
11 less than fifty dollars and not more than one thousand dollars per day
12 of violation, or imprisonment not exceeding one year, or both. A
13 person's second violation related to a property owned by such person
14 shall be punishable by a fine of no less than one hundred dollars and
15 not more than two thousand dollars per day of violation, or imprisonment
16 not exceeding one year, or both. A person's third violation related to a
17 property owned by such person shall be punishable by a fine of not less
18 than one hundred and fifty dollars and not more than three thousand
19 dollars per day of violation, or imprisonment not exceeding one year, or
20 both.

21 3. Where the construction or use of a building is in violation of any
22 provision of the uniform code or any lawful order obtained thereunder, a
23 justice of the supreme court at a special term in the judicial district
24 in which the building is located, may order the removal of the building
25 or an abatement of the condition in violation of such provisions. An
26 application for such relief may be made by the secretary, an appropriate
27 municipal officer, or any other person aggrieved by the violation. Any
28 person, having been served, either personally or by registered or certi-
29 fied mail, with an order to remedy the illegal conversion, maintenance
30 or occupancy of two or more dwellings above the number of dwelling units
31 legally authorized by the certificate of occupancy, who shall fail to
32 comply with such order within the time fixed by the regulations promul-
33 gated by the secretary pursuant to subdivision one of section three
34 hundred eighty-one of this article, such time period to be stated in the
35 order, and any owner, builder, architect, tenant, contractor, subcon-
36 tractor, construction superintendent or their agents or any other person
37 taking part or assisting in the construction of any building who shall
38 knowingly violate any of the applicable provisions of the uniform code
39 of any lawful order of a local government, a county or the secretary
40 made thereunder regarding standards for construction, maintenance, or
41 fire protection equipment and systems, shall be punishable by a fine of
42 not less than five hundred dollars. A person's second violation related
43 to a property owned by such person shall be punishable by a fine of not
44 less than one thousand dollars. A person's third violation related to a
45 property owned by such person shall be punishable by a fine of not less
46 than two thousand dollars.

47 § 3. This act shall take effect on the one hundred twentieth day after
48 it shall have become a law. Effective immediately, the addition, amend-
49 ment and/or repeal of any rule or regulation necessary for the implemen-
50 tation of this act on its effective date are authorized to be made and
51 completed on or before such effective date.