STATE OF NEW YORK

2039--B

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. DILAN, HEVESI, D. ROSENTHAL, SAYEGH, COOK, ABINANTI, REYES, HYNDMAN, McDONOUGH, WILLIAMS, GLICK, FERNANDEZ, COLTON, HUNTER, DICKENS, TAYLOR, BRAUNSTEIN, SEAWRIGHT -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Labor -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to modular construction work

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

Section 1. The labor law is amended by adding a new section 241-c to read as follows:

§ 241-c. Definitions. As used in this section the following terms shall have the following meanings:

(a) For the purposes of this section, "city" shall mean a city with a population of one million or more.

(b) "Modular unit" shall mean component parts assembled at a location other than the construction site within a city which are to be transported to the construction site for installation as part of a manufactured building.

(c) "Component parts" shall mean any sub-system, sub-assembly, or other system or fabrication designed for use in or as part of a structure in a city, which may include woodwork, cases, cabinets or counters and the fabrication of electrical, plumbing, heating, cooling, ventilation, fire protection, exhaust duct systems, and mechanical insulation, or other systems affecting health and safety, designed and engineered for installation in the construction, repair, or renovation of a manufactured building.

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

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(d) "Manufactured building" shall mean a structure consisting of one or more transportable modular units built within a manufacturing facility or facilities, where such building is designed to be greater than six stories in height.

2. Enforcement. Enforcement of this section shall be by the New York City Department of Buildings.

3. Off-site electrical, plumbing, and fire suppression work. All electrical, plumbing, and fire suppression work during off-site assembly of a modular unit shall be performed by an applicable licensee with employees under the licensee's supervision.

4. Records demonstrating compliance. Each licensee performing off-site assemblies pursuant to this section shall maintain records demonstrating compliance of such modular unit pursuant to the provisions of this section with respect to the type of work being performed. Such records shall be maintained for at least six years from the date of the issuance of the final certificate of occupancy for the manufactured building.

5. Licensee certification. Prior to the transportation of any modular unit to the construction site for installation within a city, each licensee shall submit a signed and sealed certification to the department attesting to the compliance of such modular unit pursuant to the provisions of this section with respect to the type of work being performed. Each modular unit transported to the construction site within a city shall be accompanied with a copy of the applicable certifications required pursuant to this section. Such certifications shall be submitted to the department, in a form and manner as determined by the department, and all inspectors prior to installation of the modular unit and shall be maintained at the jobsite until the completion of the manufactured building.

6. Owner certification. Prior to the issuance of any work permits associated with the on-site construction of a manufactured building within a city, the owner of such manufactured building shall certify to the department that he or she hired the appropriate licensees to perform all electrical, plumbing, and fire suppression work for such modular unit with employees under the licensees' supervision.

7. On-site construction. All electrical, plumbing, and fire suppression work necessary for installing or connecting the modular units on the construction site within a city shall be performed by an applicable licensee with employees under the licensee's supervision, pursuant to a work permit covering such installations and connections.

§ 2. 1. The commissioner, in consultation with any department, division, board, bureau, commission, agency, or public authority of the state or any political subdivision thereof deemed necessary by the commissioner, is directed to conduct a statewide survey which examines:

(a) whether construction of manufactured buildings conflicts with any local or state building codes,

(b) existing obstacles that modular units, component parts, and manufactured buildings face in complying with local or state building codes,

(c) the rate at which modular units, component parts, and manufactured buildings are used in construction in each county of the state of New York,

(d) the potential hazards that modular units, component parts, and manufactured buildings present when used in non-compliance with local or state building codes, and makes recommendations as to how:

(i) local or state code enforcement officers can ensure modular units, component parts, and manufactured buildings comply with local or state building codes, and

(ii) how to mitigate existing obstacles modular units, component parts, and manufactured buildings face in complying with local or state building codes.

2. The commissioner shall report the findings of such survey findings to the governor, the temporary president of the senate, and the speaker of the assembly no later than April 1st, 2024.

§ 3. This act shall take effect immediately.