

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:

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

3 § 241-c. Definitions. As used in this section the following terms
4 shall have the following meanings:

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

7 (b) "Modular unit" shall mean component parts assembled at a location
8 other than the construction site within a city which are to be trans-
9 ported to the construction site for installation as part of a manufac-
10 tured building.

11 (c) "Component parts" shall mean any sub-system, sub-assembly, or
12 other system or fabrication designed for use in or as part of a struc-
13 ture in a city, which may include woodwork, cases, cabinets or counters
14 and the fabrication of electrical, plumbing, heating, cooling, venti-
15 lation, fire protection, exhaust duct systems, and mechanical insu-
16 lation, or other systems affecting health and safety, designed and engi-
17 neered for installation in the construction, repair, or renovation of a
18 manufactured building.

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

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

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

7 3. Off-site electrical, plumbing, and fire suppression work. All elec-
8 trical, plumbing, and fire suppression work during off-site assembly of
9 a modular unit shall be performed by an applicable licensee with employ-
10 ees under the licensee's supervision.

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

17 5. Licensee certification. Prior to the transportation of any modular
18 unit to the construction site for installation within a city, each
19 licensee shall submit a signed and sealed certification to the depart-
20 ment attesting to the compliance of such modular unit pursuant to the
21 provisions of this section with respect to the type of work being
22 performed. Each modular unit transported to the construction site within
23 a city shall be accompanied with a copy of the applicable certifications
24 required pursuant to this section. Such certifications shall be submit-
25 ted to the department, in a form and manner as determined by the depart-
26 ment, and all inspectors prior to installation of the modular unit and
27 shall be maintained at the jobsite until the completion of the manufac-
28 ured building.

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

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

40 § 2. 1. The commissioner, in consultation with any department, divi-
41 sion, board, bureau, commission, agency, or public authority of the
42 state or any political subdivision thereof deemed necessary by the
43 commissioner, is directed to conduct a statewide survey which examines:

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

46 (b) existing obstacles that modular units, component parts, and manu-
47 factured buildings face in complying with local or state building codes,

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

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

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

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

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

7 § 3. This act shall take effect immediately.