

# STATE OF NEW YORK

---

2160

2021-2022 Regular Sessions

## IN ASSEMBLY

January 14, 2021

---

Introduced by M. of A. ZEBROWSKI, O'DONNELL, STECK, GOTTFRIED, COOK, GALEF, THIELE, PAULIN, HUNTER -- Multi-Sponsored by -- M. of A. DINOWITZ, J. RIVERA -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to expanding remedies for violations of New York state uniform fire prevention and building code

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

1 Section 1. Section 382 of the executive law, as added by chapter 707  
2 of the laws of 1981, subdivision 2 as amended by chapter 135 of the laws  
3 of 1997, and subdivision 4 as added by chapter 333 of the laws of 2020,  
4 is amended to read as follows:

5 § 382. Remedies. 1. In addition to and not in limitation of any power  
6 otherwise granted by law, every local government and its authorized  
7 agents shall have the power to order in writing the remedying of any  
8 condition found to exist in, on or about any building in violation of  
9 the uniform fire prevention and building code and to issue appearance  
10 tickets for violations of the uniform code.

11 2. Any person, having been served, either personally or by registered  
12 or certified mail, with an order to remedy any condition, other than a  
13 condition that is deemed an imminent threat to the safety and welfare of  
14 the building's occupants, found to exist in, on, or about any building  
15 in violation of the uniform fire prevention and building code, who shall  
16 fail to comply with such order within the time fixed by the regulations  
17 promulgated by the secretary pursuant to subdivision one of section  
18 three hundred eighty-one of this article, such time period to be stated  
19 in the order, and any owner, builder, architect, tenant, contractor,  
20 subcontractor, construction superintendent or their agents or any other  
21 person taking part or assisting in the construction of any building who  
22 shall knowingly violate any of the applicable provisions of the uniform  
23 code or any lawful order of a local government, a county or the secre-

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

LBD05777-01-1

1 tary made thereunder regarding standards for construction, maintenance,  
2 or fire protection equipment and systems, shall be punishable by a fine  
3 of not more than one thousand dollars per day of violation, or imprison-  
4 ment not exceeding one year, or both.

5 3. Any person, having been served, either personally or by registered  
6 or certified mail, with an order to remedy a condition that is an immi-  
7 nent threat to the safety and welfare of the building's occupants as  
8 determined by the local government and its authorized agents, found to  
9 exist in, on, or about any building in violation of the uniform fire  
10 prevention and building code, who shall fail to comply with such order  
11 within the time fixed by the regulations promulgated by the secretary  
12 pursuant to subdivision one of section three hundred eighty-one of this  
13 article, such time period to be stated in the order, and any owner,  
14 builder, architect, tenant, contractor, subcontractor, construction  
15 superintendent or their agents or any other person taking part or  
16 assisting in the construction of any building who shall knowingly  
17 violate any of the applicable provisions of the uniform code or any  
18 lawful order of a local government, a county or the secretary made ther-  
19 eunder regarding standards for construction, maintenance, or fire  
20 protection equipment and systems, shall be punishable by a fine of no  
21 less than one thousand dollars and no more than five thousand dollars  
22 per day of violation or imprisonment not exceeding one year, or both,  
23 for the first occurrence of a violation for any building owned by such  
24 person. A person's second violation related to any property owned by  
25 such person for a condition that is deemed an imminent threat to the  
26 safety and welfare of the building's occupants, shall be punishable by a  
27 fine no less than five thousand dollars and no more than ten thousand  
28 dollars per day of violation or imprisonment not exceeding one year, or  
29 both. A person's third violation related to any property owned by such  
30 person for a condition that is deemed an imminent threat to the safety  
31 and welfare of the building's occupants, shall be punishable by a fine  
32 no less than ten thousand dollars per day of violation or imprisonment  
33 not exceeding one year, or both.

34 4. Where a building has been altered in violation of any provision of  
35 the uniform code or any lawful order obtained thereunder, and such  
36 alteration impedes a person's egress from such building during a fire or  
37 other emergency evacuation, the owner of such building who has knowledge  
38 of such alteration or should have had knowledge of such alteration shall  
39 be subject to a civil penalty of up to seven thousand five hundred  
40 dollars.

41 5. Where the construction or use of a building is in violation of any  
42 provision of the uniform code or any lawful order obtained thereunder, a  
43 justice of the supreme court at a special term in the judicial district  
44 in which the building is located, may order the removal of the building  
45 or an abatement of the condition in violation of such provisions. An  
46 application for such relief may be made by the secretary, an appropriate  
47 municipal officer, or any other person aggrieved by the violation.

48 § 2. This act shall take effect on the first of January next succeed-  
49 ing the date on which it shall have become a law.