STATE OF NEW YORK

6970--A

2021-2022 Regular Sessions

IN SENATE

May 20, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law and the state finance law, in relation to providing for state assistance to local governments for the enforcement of fire prevention and building codes

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

Section 1. Paragraph 2 of subsection (b) of section 9108 of the insurance law is amended and a new subsection (f) is added to read as follows:

(2) On or before the fifteenth day of February of each year, every insurance company required to collect the fee imposed by this section shall file with [~~said~~] **the** superintendent an annual statement in a manner the superintendent shall prescribe, which statement shall show the aggregate amount of gross premiums and premium deposits and assessments collected during the immediately preceding year for insurance against loss or injury and the several items of deduction referred to under items (i) and (ii) of paragraph one of this subsection.

(f) Commencing April first, two thousand twenty-three, all such monies received by the superintendent and paid into the code enforcement account pursuant to this section shall be for the purpose of state aid to localities for the enforcement of their relevant fire prevention and building codes in accordance with section fifty-four-g of the state finance law and any administrative expenses incurred by the secretary of state pursuant to such programs.

§ 2. Section 54-g of the state finance law, as added by chapter 707 of the laws of 1981, subdivision 1 as amended by chapter 609 of the laws of 1983, is amended to read as follows:

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

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§ 54-g. State assistance to local governments for support of activities related to fire prevention and building codes. 1. Beginning [~~in March, nineteen hundred eighty-two~~] on April first, two thousand twenty-three and annually thereafter, the secretary of state shall grant each county, city, village, and town [~~shall receive from moneys appropriated by the state in~~] outside a village monies from the code enforcement account as established in and pursuant to section ninety-one hundred eight of the insurance law to support [~~of~~] activities related to the administration and enforcement [~~in the previous calendar~~] year of their respective fire prevention and building codes [~~the sum of~~] in the previous calendar year in the amounts computed in paragraphs a [~~and~~], b and c below.

a. One-half the amount [~~appropriated~~] of monies in the code enforcement account multiplied by the proportion which the [~~population of~~] number of building permits issued by the county, city, village or town outside a village bears to the [~~population of~~] number of such permits issued in the state taken as a whole.

b. One-half the amount appropriated multiplied by the proportion which [~~the full value of~~] the number of fire safety inspections conducted by the county, city, village or town outside a village bears to the [~~full value of~~] number of fire safety inspections conducted in the state [~~taken as a whole~~]. The amount otherwise payable to a local government under this subdivision shall be reduced by the amount of state aid to local governments for housing maintenance code enforcement payable to such local government in the same state fiscal year under the provisions of section fifty-four-h of this chapter.

c. Notwithstanding paragraphs a and b of this subdivision, no locality shall receive an amount greater than twenty percent of the amount available in the code enforcement account per year.

2. In the instance where, pursuant to section three hundred eighty-one of the New York state uniform fire prevention and building code act set forth in article eighteen of the executive law, a county or the secretary of state administers and enforces the New York state uniform fire prevention and building code within a county, city, village or town, the funds otherwise payable to the county, city, village, or town shall be paid to the county or revert to the state, as the case may be. Where a county or the secretary of state has been so engaged for less than the entire calendar year provided in subdivision one, the moneys shall be distributed to the city, village, or town, county or state in proportion to the length of time for which each was responsible for said administration and enforcement.

3. To receive funds from the code enforcement account pursuant to this section, each county, city, village, or town outside a village shall submit annually to the secretary of state an application with such information as the secretary may require. The secretary shall prescribe the time and manner of such application and make such information known to the localities. Payouts to each qualifying county, city, village, or town outside a village pursuant to this section shall be made no less than quarterly.

4. The terms used in this section shall have the meanings ascribed to them in section fifty-four of this article.

§ 3. This act shall take effect immediately.