

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. DINOW-ITZ, 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.