

STATE OF NEW YORK

2884

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the executive law, in relation to penalties for code violations

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

1 Section 1. Paragraphs h and i of subdivision 1 of section 381 of the
2 executive law, as added by chapter 560 of the laws of 2010, are amended
3 and a new paragraph j is added to read as follows:

4 h. minimum basic training and in-service training requirements for
5 personnel charged with administration and enforcement of the state ener-
6 gy conservation construction code; ~~and~~

7 i. standards and procedures for measuring the rate of compliance with
8 the state energy conservation construction code, and provisions requir-
9 ing that such rate of compliance be measured on an annual basis~~[-]~~; and

10 j. standards and procedures by which persons seeking building or
11 construction permits or to purchase property held by a land bank or
12 subsidized by public funds identify any outstanding orders of remedy or
13 immediately hazardous violations of the uniform code on properties (1)
14 owned by such person or owned by a corporate entity in which such person
15 is a manager, partner, or authorized person, or owned by the same person
16 or corporate entity which owns the property for which a permit or
17 purchase is sought, including properties owned by a corporate entity in
18 which such person is a manager, partner, or authorized person and (2)
19 the status of each order of remedy and violation.

20 Every local government may enact local laws which provide that
21 persons, corporate entities, or corporate entities in which any such
22 person who is a member, partner, or authorized person with outstanding
23 orders of remedy or immediately hazardous violations of the uniform code

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

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1 may not obtain building or construction permits or purchase properties
2 from a land bank or subsidized by public funds.

3 § 2. Subdivisions 2 and 3 of section 382 of the executive law, subdivi-
4 vision 2 as amended by chapter 135 of the laws of 1997 and subdivision 3
5 as added by chapter 707 of the laws of 1981, are amended to read as
6 follows:

7 2. Any person, having been served, either personally or by registered
8 or certified mail, with an order to remedy any condition found to exist
9 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 fifty dollars and not more than one thousand dollars per day
22 of violation, or imprisonment not exceeding one year, or both. A
23 person's second violation related to a property owned by such person
24 shall be punishable by a fine of no less than one hundred dollars and
25 not more than two thousand dollars per day of violation, or imprisonment
26 not exceeding one year, or both. A person's third violation related to a
27 property owned by such person shall be punishable by a fine of not less
28 than one hundred and fifty dollars and not more than three thousand
29 dollars per day of violation, or imprisonment not exceeding one year, or
30 both.

31 3. Where the construction or use of a building is in violation of any
32 provision of the uniform code or any lawful order obtained thereunder, a
33 justice of the supreme court at a special term in the judicial district
34 in which the building is located, may order the removal of the building
35 or an abatement of the condition in violation of such provisions. An
36 application for such relief may be made by the secretary, an appropriate
37 municipal officer, or any other person aggrieved by the violation. Any
38 person, having been served, either personally or by registered or certi-
39 fied mail, with an order to remedy the illegal conversion, maintenance
40 or occupancy of two or more dwellings above the number of dwelling units
41 legally authorized by the certificate of occupancy, who shall fail to
42 comply with such order within the time fixed by the regulations promul-
43 gated by the secretary pursuant to subdivision one of section three
44 hundred eighty-one of this article, such time period to be stated in the
45 order, and any owner, builder, architect, tenant, contractor, subcon-
46 tractor, construction superintendent or their agents or any other person
47 taking part or assisting in the construction of any building who shall
48 knowingly violate any of the applicable provisions of the uniform code
49 of any lawful order of a local government, a county or the secretary
50 made thereunder regarding standards for construction, maintenance, or
51 fire protection equipment and systems, shall be punishable by a fine of
52 not less than five hundred dollars. A person's second violation related
53 to a property owned by such person shall be punishable by a fine of not
54 less than one thousand dollars. A person's third violation related to a
55 property owned by such person shall be punishable by a fine of not less
56 than two thousand dollars.

1 § 3. This act shall take effect on the one hundred twentieth day after
2 it shall have become a law. Effective immediately, the addition, amend-
3 ment and/or repeal of any rule or regulation necessary for the implemen-
4 tation of this act on its effective date are authorized to be made and
5 completed on or before such effective date.