STATE OF NEW YORK

5617

2023-2024 Regular Sessions

IN ASSEMBLY

March 17, 2023

Introduced by M. of A. ZEBROWSKI, STECK, COOK, THIELE, PAULIN, HUNTER -- Multi-Sponsored by -- M. of A. DINOWITZ, 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:

Section 1. Subdivision 2 of section 382 of the executive law, as amended by chapter 571 of the laws of 2021, is amended and a new subdivision 2-a is added to read as follows:

2. Any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition*, other than a condition that is deemed an imminent threat to the safety and welfare of the building's occupants,* found to exist in, on, or about any building in violation of the uniform fire prevention and building code, who shall fail to comply with such order within the time fixed by the regulations promulgated by the secretary pursuant to subdivision one of section three hundred eighty-one of this article, such time period to be stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the uniform code or any lawful order of a local government, a county or the secretary made thereunder regarding standards for construction, maintenance, or fire protection equipment and systems, shall be punishable by a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both for the first one hundred eighty days, and for the following one hundred eighty days shall be punishable by a fine of no less than twenty-five dollars and not more than one thousand dollars per day of violation or imprisonment not exceeding one year, or both and thereafter shall be punishable by a fine of no less

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

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than fifty dollars and not more than one thousand dollars per day of violation or imprisonment not exceeding one year, or both.

2-a. Any person, having been served, either personally or by registered or certified mail, with an order to remedy a condition that is an imminent threat to the safety and welfare of the building's occupants as determined by the local government and its authorized agents, found to exist in, on, or about any building in violation of the uniform fire prevention and building code, who shall fail to comply with such order within the time fixed by the regulations promulgated by the secretary pursuant to subdivision one of section three hundred eighty-one of this article, such time period to be stated in the order, and any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the construction of any building who shall knowingly violate any of the applicable provisions of the uniform code or any lawful order of a local government, a county or the secretary made thereunder regarding standards for construction, maintenance, or fire protection equipment and systems, shall be punishable by a fine of no less than one thousand dollars and no more than five thousand dollars per day of violation or imprisonment not exceeding one year, or both, for the first occurrence of a violation for any building owned by such person. A person's second violation related to any property owned by such person for a condition that is deemed an imminent threat to the safety and welfare of the building's occupants, shall be punishable by a fine no less than five thousand dollars and no more than ten thousand dollars per day of violation or imprisonment not exceeding one year, or both. A person's third violation related to any property owned by such person for a condition that is deemed an imminent threat to the safety and welfare of the building's occupants, shall be punishable by a fine no less than ten thousand dollars per day of violation or imprisonment not exceeding one year, or both.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.