# STATE OF NEW YORK

7422

2023-2024 Regular Sessions

# IN ASSEMBLY

May 19, 2023

Introduced by M. of A. BARRETT, McDONALD -- (at request of the Department of State) -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to manufactured homes

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

Section 1. Section 607 of the executive law, as added by chapter 729 of the laws of 2005, is amended to read as follows:

§ 607. Penalties for violation of this article. Any person or business entity found guilty, after a hearing, of a violation of this article, except for the provisions of section six hundred nine of this article, may be required to pay a civil penalty of not more than one thousand dollars for each such violation, but not more than five thousand dollars for more than one violation relating to each home. Such [~~fine~~] **civil penalty** shall be collected and deposited in the state's general fund. In addition to the **civil** penalties set forth in this section, the secretary shall also have the power to suspend or revoke [~~licenses~~] **certifications** pursuant to section six hundred four of this [~~article~~] **title**.

§ 2. Paragraphs (a) and (b) of subdivision 5 of section 609 of the executive law, as added by chapter 729 of the laws of 2005, are amended to read as follows:

(a) A manufacturer or retailer of manufactured housing who violates any of the provisions set forth in this section relating to manufactured housing or rules adopted by the department, including provisions of the New York state uniform fire prevention and building code relating to manufactured housing, is subject to a civil penalty not to exceed [~~one thousand one hundred dollars~~] **the maximum civil penalty established by 24 C.F.R. § 3282.10, as then in effect,** for each violation. Each violation constitutes a separate violation with respect to each manufactured housing unit, except that the maximum **civil** penalty may not exceed [~~one million one hundred thousand dollars~~] **the maximum civil penalty**

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

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established by 24 C.F.R. § 3282.10, as then in effect, for any related series of violations occurring within one year from the date of the first violation.

(b) An individual or a director, officer, or agent of a corporation or a principal on a business entity who knowingly and willfully violates 42 USC 5409 in a manner which threatens the health or safety of any purchaser shall be fined not more than [~~one thousand dollars~~] the maximum criminal penalty established by 24 C.F.R. § 3282.10, as then in effect, or imprisoned not more than one year or both.

§ 3. This act shall take effect immediately.