STATE OF NEW YORK

2196--A

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

Introduced by Sens. RIVERA, FERNANDEZ, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development 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 executive law and the administrative code of the city of New York, in relation to imposing certain penalties related to violations of building and fire code standards within fourteen days and increasing certain fines for violations of housing standards

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 5 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 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~~

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

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~~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 than fifty dollars and not more than one thousand dollars per day of violation~~] less than twenty-five dollars nor more than one hundred fifty dollars for each non-hazardous violation, not less than fifty dollars nor more than five hundred dollars per day for each hazardous violation, two hundred dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing ten or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than one hundred dollars nor more than one thousand five hundred dollars and, in addition, not less than one hundred twenty-five dollars nor more than one thousand dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than ten dwelling units, from the date set for correction in the notice of violation until the violation is corrected, or imprisonment not exceeding one year, or both. A person making a false certification of correction of a violation shall be subject to a civil penalty in the following amounts, in addition to the other penalties herein provided: not less than five hundred dollars nor more than two thousand five hundred dollars for each immediately hazardous violation falsely certified, not less than two hundred fifty dollars nor more than five hundred dollars for each hazardous violation falsely certified, and not less than fifty dollars nor more than two hundred fifty dollars for each non-hazardous violation falsely certified.

5. Any daily penalty levied pursuant to subdivision two of this section on a person who is in violation of the uniform fire prevention and building code and who has failed to comply with an order to remedy such violation within the time fixed by the regulations promulgated by the secretary pursuant to subdivision one of section three hundred eighty-one of this article shall be assessed no later than the fourteenth day of such violation.

§ 2. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 63 of the city of New York for the year 2022, is amended to read as follows:

(a) A person who violates any law relating to housing standards shall be subject to a civil penalty of not less than [~~ten~~] twenty-five dollars nor more than one hundred fifty dollars for each non-hazardous violation, not less than [~~twenty-five~~] fifty dollars nor more than [~~one~~] five hundred dollars [~~and ten dollars~~] per day for each hazardous violation, [~~fifty~~] two hundred dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing [~~five~~] ten or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than [~~fifty~~] one hundred dollars nor more than one [~~hundred fifty~~] thousand five hundred dollars and, in addition, not less than one hundred twenty-five dollars nor more than one thousand dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than [~~five~~] ten dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person making a false certification of correction of a violation shall be subject to a civil penalty in the following amounts, in addition to the other penalties herein provided: not less than five hundred dollars nor more than [~~one~~] two thousand five hundred dollars for each imme-

diately hazardous violation falsely certified, not less than two hundred fifty dollars nor more than five hundred dollars for each hazardous violation falsely certified, and not less than fifty dollars nor more than two hundred fifty dollars for each non-hazardous violation falsely certified.

§ 3. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 71 of the city of New York for the year 2023, is amended to read as follows:

(a) In addition to any other penalty authorized by this chapter, a person who violates any law relating to housing standards shall be subject to a civil penalty as follows:

(1) For each non-hazardous violation, not less than fifty dollars nor more than one hundred fifty dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, twenty-five dollars per day;

(2) For each hazardous violation, not less than seventy-five dollars nor more than five hundred dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, not less than twenty-five dollars nor more than one hundred twenty-five dollars per day; and

(3) For each immediately hazardous violation:

(i) In a multiple dwelling containing [~~five~~] ten or fewer dwelling units, not less than one hundred fifty dollars nor more than seven hundred fifty dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, not less than fifty dollars nor more than one hundred fifty dollars per day; and

(ii) In a multiple dwelling containing more than [~~five~~] ten dwelling units, not less than one hundred fifty dollars nor more than one thousand two hundred dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, not less than one hundred fifty dollars nor more than one thousand two hundred dollars per day.

(4) Provided, however, that in addition to the other penalties herein provided, a person who makes a false certification of correction of a violation shall be subject to a civil penalty as follows:

(i) For each non-hazardous violation falsely certified, not less than fifty dollars nor more than two hundred fifty dollars;

(ii) For each hazardous violation falsely certified, not less than two hundred fifty dollars nor more than five hundred dollars; and

(iii) For each immediately hazardous violation falsely certified, not less than five hundred dollars nor more than one thousand dollars.

§ 4. This act shall take effect immediately; provided, however, that if local law number 71 of the city of New York for the year 2023 shall not have taken effect on or before such date then section three of this act shall take effect on the same date and in the same manner as such local law of the city of New York takes effect.