

STATE OF NEW YORK

2196--B

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

Introduced by Sens. RIVERA, FERNANDEZ, HARCKHAM, 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 -- 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:

1 Section 1. Subdivision 2 of section 382 of the executive law, as
2 amended by chapter 571 of the laws of 2021, is amended and a new subdi-
3 vision 5 is added to read as follows:
4 2. Any person, having been served, either personally or by registered
5 or certified mail, with an order to remedy any condition found to exist
6 in, on, or about any building in violation of the uniform fire
7 prevention and building code, who shall fail to comply with such order
8 within the time fixed by the regulations promulgated by the secretary
9 pursuant to subdivision one of section three hundred eighty-one of this
10 article, such time period to be stated in the order, and any owner,
11 builder, architect, tenant, contractor, subcontractor, construction
12 superintendent or their agents or any other person taking part or
13 assisting in the construction of any building who shall knowingly
14 violate any of the applicable provisions of the uniform code or any
15 lawful order of a local government, a county or the secretary made ther-
16 eunder regarding standards for construction, maintenance, or fire
17 protection equipment and systems, shall be punishable by a fine of not

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

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~~1 [more than one thousand dollars per day of violation, or imprisonment
2 not exceeding one year, or both for the first one hundred eighty days,
3 and for the following one hundred eighty days shall be punishable by a
4 fine of no less than twenty-five dollars and not more than one thousand
5 dollars per day of violation or imprisonment not exceeding one year, or
6 both and thereafter shall be punishable by a fine of no less than fifty
7 dollars and not more than one thousand dollars per day of violation]~~
8 less than twenty-five dollars nor more than one hundred fifty dollars
9 for each non-hazardous violation, not less than fifty dollars nor more
10 than five hundred dollars per day for each hazardous violation, two
11 hundred dollars per day for each immediately hazardous violation, occur-
12 ring in a multiple dwelling containing ten or fewer dwelling units, from
13 the date set for correction in the notice of violation until the
14 violation is corrected, and not less than one hundred dollars nor more
15 than one thousand five hundred dollars and, in addition, not less than
16 one hundred twenty-five dollars nor more than one thousand dollars per
17 day for each immediately hazardous violation, occurring in a multiple
18 dwelling containing more than ten dwelling units, from the date set for
19 correction in the notice of violation until the violation is corrected,
20 or imprisonment not exceeding one year, or both. A person making a
21 false certification of correction of a violation shall be subject to a
22 civil penalty in the following amounts, in addition to the other penal-
23 ties herein provided: not less than five hundred dollars nor more than
24 two thousand five hundred dollars for each immediately hazardous
25 violation falsely certified, not less than two hundred fifty dollars nor
26 more than five hundred dollars for each hazardous violation falsely
27 certified, and not less than fifty dollars nor more than two hundred
28 fifty dollars for each non-hazardous violation falsely certified.

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

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

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

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

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

51 (3) For each immediately hazardous violation:

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

1 not less than fifty dollars nor more than one hundred fifty dollars per
2 day; and

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

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

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

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

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

18 § 3. This act shall take effect immediately.