

STATE OF NEW YORK

2986

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

Introduced by Sens. KAVANAGH, HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law and the state finance law, in relation to providing for state assistance to local governments for the enforcement of fire prevention and building codes

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

1 Section 1. Paragraph 2 of subsection (b) of section 9108 of the insurance law is amended and a new subsection (f) is added to read as follows:

2 (2) On or before the fifteenth day of February of each year, every
3 insurance company required to collect the fee imposed by this section
4 shall file with [~~said~~] the superintendent an annual statement in a
5 manner the superintendent shall prescribe, which statement shall show
6 the aggregate amount of gross premiums and premium deposits and assessments collected during the immediately preceding year for insurance
7 against loss or injury and the several items of deduction referred to
8 under items (i) and (ii) of paragraph one of this subsection.

9 (f) Commencing April first, two thousand twenty-four, all such monies received by the superintendent and paid into the code enforcement account pursuant to this section shall be for the purpose of state aid to localities for the enforcement of their relevant fire prevention and building codes in accordance with section fifty-four-g of the state finance law and any administrative expenses incurred by the secretary of state pursuant to such programs.

10 § 2. Section 54-g of the state finance law, as added by chapter 707 of the laws of 1981, subdivision 1 as amended by chapter 609 of the laws of 1983, is amended to read as follows:

11 § 54-g. State assistance to local governments for support of activities related to fire prevention and building codes. 1. Beginning [~~in March, nineteen hundred eighty-two~~] on April first, two thousand twen-

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

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1 ty-four and annually thereafter, the secretary of state shall grant each
2 county, city, village, and town [~~shall receive from moneys appropriated~~
3 ~~by the state in~~] outside a village monies from the code enforcement
4 account as established in and pursuant to section ninety-one hundred
5 eight of the insurance law to support [~~of~~] activities related to the
6 administration and enforcement [~~in the previous calendar~~] year of their
7 respective fire prevention and building codes [~~the sum of~~] in the previ-
8 ous calendar year in the amounts computed in paragraphs a [~~and~~], b and c
9 below.

10 a. One-half the amount [~~appropriated~~] of monies in the code enforce-
11 ment account multiplied by the proportion which the [~~population of~~]
12 number of building permits issued by the county, city, village or town
13 outside a village bears to the [~~population of~~] number of such permits
14 issued in the state taken as a whole.

15 b. One-half the amount appropriated multiplied by the proportion which
16 [~~the full value of~~] the number of fire safety inspections conducted by
17 the county, city, village or town outside a village bears to the [~~full~~
18 ~~value of~~] number of fire safety inspections conducted in the state
19 [~~taken as a whole~~]. The amount otherwise payable to a local government
20 under this subdivision shall be reduced by the amount of state aid to
21 local governments for housing maintenance code enforcement payable to
22 such local government in the same state fiscal year under the provisions
23 of section fifty-four-h of this chapter.

24 c. Notwithstanding paragraphs a and b of this subdivision, no locality
25 shall receive an amount greater than twenty percent of the amount avail-
26 able in the code enforcement account per year.

27 2. In the instance where, pursuant to section three hundred eighty-one
28 of the New York state uniform fire prevention and building code act set
29 forth in article eighteen of the executive law, a county or the secre-
30 tary of state administers and enforces the New York state uniform fire
31 prevention and building code within a county, city, village or town, the
32 funds otherwise payable to the county, city, village, or town shall be
33 paid to the county or revert to the state, as the case may be. Where a
34 county or the secretary of state has been so engaged for less than the
35 entire calendar year provided in subdivision one, the moneys shall be
36 distributed to the city, village, or town, county or state in proportion
37 to the length of time for which each was responsible for said adminis-
38 tration and enforcement.

39 3. To receive funds from the code enforcement account pursuant to this
40 section, each county, city, village, or town outside a village shall
41 submit annually to the secretary of state an application with such
42 information as the secretary may require. The secretary shall prescribe
43 the time and manner of such application and make such information known
44 to the localities. Payouts to each qualifying county, city, village, or
45 town outside a village pursuant to this section shall be made no less
46 than quarterly.

47 4. The terms used in this section shall have the meanings ascribed to
48 them in section fifty-four of this article.

49 § 3. This act shall take effect immediately.