

STATE OF NEW YORK

2512

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. DILAN, HEVESI, D. ROSENTHAL, COOK, REYES, HYNDMAN, McDONOUGH, WILLIAMS, GLICK, COLTON, HUNTER, DICKENS, TAYLOR, BRAUNSTEIN, SEAWRIGHT -- Multi-Sponsored by -- M. of A. SIMON -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to modular construction work

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

1 Section 1. The labor law is amended by adding a new section 241-c to
2 read as follows:

3 § 241-c. Definitions. As used in this section the following terms
4 shall have the following meanings:

5 (a) For the purposes of this section, "city" shall mean a city with a
6 population of one million or more.

7 (b) "Modular unit" shall mean component parts assembled at a location
8 other than the construction site within a city which are to be trans-
9 ported to the construction site for installation as part of a manufac-
10 tured building.

11 (c) "Component parts" shall mean any sub-system, sub-assembly, or
12 other system or fabrication designed for use in or as part of a struc-
13 ture in a city, which may include woodwork, cases, cabinets or counters
14 and the fabrication of electrical, plumbing, heating, cooling, venti-
15 lation, fire protection, exhaust duct systems, and mechanical insu-
16 lation, or other systems affecting health and safety, designed and engi-
17 neered for installation in the construction, repair, or renovation of a
18 manufactured building.

19 (d) "Manufactured building" shall mean a structure consisting of one
20 or more transportable modular units built within a manufacturing facili-
21 ty or facilities, where such building is designed to be greater than six
22 stories in height.

23 2. Enforcement. Enforcement of this section shall be by the New York
24 City Department of Buildings.

25 3. Off-site electrical, plumbing, and fire suppression work. All elec-
26 trical, plumbing, and fire suppression work during off-site assembly of

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

LBD03153-01-3

1 a modular unit shall be performed by an applicable licensee with employ-
2 ees under the licensee's supervision.

3 4. Records demonstrating compliance. Each licensee performing off-site
4 assemblies pursuant to this section shall maintain records demonstrating
5 compliance of such modular unit pursuant to the provisions of this
6 section with respect to the type of work being performed. Such records
7 shall be maintained for at least six years from the date of the issuance
8 of the final certificate of occupancy for the manufactured building.

9 5. Licensee certification. Prior to the transportation of any modular
10 unit to the construction site for installation within a city, each
11 licensee shall submit a signed and sealed certification to the depart-
12 ment attesting to the compliance of such modular unit pursuant to the
13 provisions of this section with respect to the type of work being
14 performed. Each modular unit transported to the construction site within
15 a city shall be accompanied with a copy of the applicable certifications
16 required pursuant to this section. Such certifications shall be submit-
17 ted to the department, in a form and manner as determined by the depart-
18 ment, and all inspectors prior to installation of the modular unit and
19 shall be maintained at the jobsite until the completion of the manufac-
20 tured building.

21 6. Owner certification. Prior to the issuance of any work permits
22 associated with the on-site construction of a manufactured building
23 within a city, the owner of such manufactured building shall certify to
24 the department that he or she hired the appropriate licensees to perform
25 all electrical, plumbing, and fire suppression work for such modular
26 unit with employees under the licensees' supervision.

27 7. On-site construction. All electrical, plumbing, and fire
28 suppression work necessary for installing or connecting the modular
29 units on the construction site within a city shall be performed by an
30 applicable licensee with employees under the licensee's supervision,
31 pursuant to a work permit covering such installations and connections.

32 § 2. 1. The commissioner, in consultation with any department, divi-
33 sion, board, bureau, commission, agency, or public authority of the
34 state or any political subdivision thereof deemed necessary by the
35 commissioner, is directed to conduct a statewide survey which examines:

36 (a) whether construction of manufactured buildings conflicts with any
37 local or state building codes,

38 (b) existing obstacles that modular units, component parts, and manu-
39 factured buildings face in complying with local or state building codes,

40 (c) the rate at which modular units, component parts, and manufactured
41 buildings are used in construction in each county of the state of New
42 York,

43 (d) the potential hazards that modular units, component parts, and
44 manufactured buildings present when used in non-compliance with local or
45 state building codes, and makes recommendations as to how:

46 (i) local or state code enforcement officers can ensure modular units,
47 component parts, and manufactured buildings comply with local or state
48 building codes, and

49 (ii) how to mitigate existing obstacles modular units, component
50 parts, and manufactured buildings face in complying with local or state
51 building codes.

52 2. The commissioner shall report the findings of such survey findings
53 to the governor, the temporary president of the senate, and the speaker
54 of the assembly no later than April 1st, 2025.

55 § 3. This act shall take effect immediately.