

STATE OF NEW YORK

8863

IN ASSEMBLY

January 18, 2024

Introduced by M. of A. ZEBROWSKI -- read once and referred to the
Committee on Governmental Operations

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 Assem-
bly, 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
18 [~~more than one thousand dollars per day of violation, or imprisonment~~
19 ~~not exceeding one year, or both for the first one hundred eighty days,~~
20 ~~and for the following one hundred eighty days shall be punishable by a~~
21 ~~fine of no less than twenty five dollars and not more than one thousand~~
22 ~~dollars per day of violation or imprisonment not exceeding one year, or~~
23 ~~both and thereafter shall be punishable by a fine of no less than fifty~~
24 ~~dollars and not more than one thousand dollars per day of violation]~~
25 less than twenty-five dollars nor more than one hundred fifty dollars
26 for each non-hazardous violation, not less than fifty dollars nor more

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

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1 than five hundred dollars per day for each hazardous violation, two
2 hundred dollars per day for each immediately hazardous violation, occur-
3 ring in a multiple dwelling containing ten or fewer dwelling units, from
4 the date set for correction in the notice of violation until the
5 violation is corrected, and not less than one hundred dollars nor more
6 than one thousand five hundred dollars and, in addition, not less than
7 one hundred twenty-five dollars nor more than one thousand dollars per
8 day for each immediately hazardous violation, occurring in a multiple
9 dwelling containing more than ten dwelling units, from the date set for
10 correction in the notice of violation until the violation is corrected,
11 or imprisonment not exceeding one year, or both. A person making a
12 false certification of correction of a violation shall be subject to a
13 civil penalty in the following amounts, in addition to the other penal-
14 ties herein provided: not less than five hundred dollars nor more than
15 two thousand five hundred dollars for each immediately hazardous
16 violation falsely certified, not less than two hundred fifty dollars nor
17 more than five hundred dollars for each hazardous violation falsely
18 certified, and not less than fifty dollars nor more than two hundred
19 fifty dollars for each non-hazardous violation falsely certified.

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

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

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

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

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

42 (3) For each immediately hazardous violation:

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

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

1 (4) Provided, however, that in addition to the other penalties herein
2 provided, a person who makes a false certification of correction of a
3 violation shall be subject to a civil penalty as follows:
4 (i) For each non-hazardous violation falsely certified, not less than
5 fifty dollars nor more than two hundred fifty dollars;
6 (ii) For each hazardous violation falsely certified, not less than two
7 hundred fifty dollars nor more than five hundred dollars; and
8 (iii) For each immediately hazardous violation falsely certified, not
9 less than five hundred dollars nor more than one thousand dollars.
10 § 3. This act shall take effect immediately.