

STATE OF NEW YORK

2418

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

Introduced by Sens. COMRIE, HINCHEY, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the executive law, in relation to expanding remedies for violations of New York state uniform fire prevention and building code

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 subdivi-
3 sion 2-a 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, other than a
6 condition that is deemed an imminent threat to the safety and welfare of
7 the building's occupants, found to exist in, on, or about any building
8 in violation of the uniform fire prevention and building code, who shall
9 fail to comply with such order within the time fixed by the regulations
10 promulgated by the secretary pursuant to subdivision one of section
11 three hundred eighty-one of this article, such time period to be stated
12 in the order, and any owner, builder, architect, tenant, contractor,
13 subcontractor, construction superintendent or their agents or any other
14 person taking part or assisting in the construction of any building who
15 shall knowingly violate any of the applicable provisions of the uniform
16 code or any lawful order of a local government, a county or the secre-
17 tary made thereunder regarding standards for construction, maintenance,
18 or fire protection equipment and systems, shall be punishable by a fine
19 of not more than one thousand dollars per day of violation, or imprison-
20 ment not exceeding one year, or both for the first one hundred eighty
21 days, and for the following one hundred eighty days shall be punishable
22 by a fine of no less than twenty-five dollars and not more than one
23 thousand dollars per day of violation or imprisonment not exceeding one
24 year, or both and thereafter shall be punishable by a fine of no less

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

LBD03905-02-3

1 than fifty dollars and not more than one thousand dollars per day of
2 violation or imprisonment not exceeding one year, or both.

3 2-a. Any person, having been served, either personally or by regis-
4 tered or certified mail, with an order to remedy a condition that is an
5 imminent threat to the safety and welfare of the building's occupants as
6 determined by the local government and its authorized agents, found to
7 exist in, on, or about any building in violation of the uniform fire
8 prevention and building code, who shall fail to comply with such order
9 within the time fixed by the regulations promulgated by the secretary
10 pursuant to subdivision one of section three hundred eighty-one of this
11 article, such time period to be stated in the order, and any owner,
12 builder, architect, tenant, contractor, subcontractor, construction
13 superintendent or their agents or any other person taking part or
14 assisting in the construction of any building who shall knowingly
15 violate any of the applicable provisions of the uniform code or any
16 lawful order of a local government, a county or the secretary made ther-
17 eunder regarding standards for construction, maintenance, or fire
18 protection equipment and systems, shall be punishable by a fine of no
19 less than one thousand dollars and no more than five thousand dollars
20 per day of violation or imprisonment not exceeding one year, or both,
21 for the first occurrence of a violation for any building owned by such
22 person. A person's second violation related to any property owned by
23 such person for a condition that is deemed an imminent threat to the
24 safety and welfare of the building's occupants, shall be punishable by a
25 fine no less than five thousand dollars and no more than ten thousand
26 dollars per day of violation or imprisonment not exceeding one year, or
27 both. A person's third violation related to any property owned by such
28 person for a condition that is deemed an imminent threat to the safety
29 and welfare of the building's occupants, shall be punishable by a fine
30 no less than ten thousand dollars per day of violation or imprisonment
31 not exceeding one year, or both.

32 § 2. This act shall take effect on the first of January next succeed-
33 ing the date on which it shall have become a law.