

# STATE OF NEW YORK

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3372

2023-2024 Regular Sessions

## IN SENATE

January 31, 2023

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Introduced by Sen. SKOUFIS -- 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 ensuring proper administration and enforcement of the uniform fire prevention and building code and the state energy conservation construction code; and to amend the energy law, in relation to making conforming technical changes

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

1 Section 1. Section 372 of the executive law, as amended by chapter 309  
2 of the laws of 1996, subdivision 3 as amended by chapter 159 of the laws  
3 of 2007 and subdivision 19 as added by chapter 119 of the laws of 2001,  
4 is amended to read as follows:

5 § 372. Definitions. As used in this article, the following terms shall  
6 have the meaning ascribed to them, unless the context otherwise  
7 requires:

8 1. "Administrator" means the state fire administrator established  
9 pursuant to article six-C of this chapter.

10 2. "Applicable code enforcement program" means the program established  
11 by a local government or county pursuant to the regulations promulgated  
12 pursuant to subdivision one of section three hundred eighty-one of this  
13 article, or, where so provided in subdivision two of section three  
14 hundred eighty-one of this article, the secretary's code enforcement  
15 program, or, where so provided in subdivision seven of section three  
16 hundred eighty-one of this article the default code enforcement program.

17 3. "Areas of public assembly" means all buildings or portions of  
18 buildings used for gathering together fifty or more persons for amuse-  
19 ment, athletic, civic, dining, educational, entertainment, patriotic,  
20 political, recreational, religious, social, or similar purposes, the  
21 entire fire area of which they are a part, and the means of egress ther-  
22 efrom.

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

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1     ~~[3-]~~ 4. "Building" means a combination of any materials, whether port-  
2     able or fixed, having a roof, to form a structure affording shelter for  
3     persons, animals or property. The word "building" shall be construed  
4     when used herein as though followed by the words "or part or parts ther-  
5     eof" unless the context clearly requires a different meaning. The term  
6     "building" shall also mean "factory manufactured home" and "mobile  
7     home". The term "building" shall not include a "temporary greenhouse".

8     ~~[4-]~~ 5. "Construction" means the construction, reconstruction, alter-  
9     ation, conversion, repair, installation of equipment or use of build-  
10    ings, and requirements or standards relating to or affecting materials  
11    used in connection therewith, including provisions for safety and sani-  
12    tary conditions.

13    ~~[5-]~~ 6. "Council" means the state fire prevention and building code  
14    council created by this article.

15    ~~[6-]~~ 7. "Default code enforcement program" means the code enforcement  
16    program established by the rules and regulations promulgated pursuant to  
17    subdivision seven of section three hundred eighty-one of this article.

18    8. "Department" means the department of state.

19    ~~[7-]~~ 9. "Equipment" means plumbing, heating, electrical, ventilating,  
20    air conditioning, refrigerating equipment, elevators, dumb waiters,  
21    escalators and other mechanical additions or installations.

22    ~~[8-]~~ 10. "Factory manufactured home" means a structure designed prima-  
23    rily for residential occupancy constructed by a method or system of  
24    construction whereby the structure or its components are wholly or in  
25    substantial part manufactured in manufacturing facilities, intended or  
26    designed for permanent installation, or assembly and permanent installa-  
27    tion, on a building site.

28    ~~[9-]~~ 11. "Fire area" means the floor area of a story of a building  
29    within exterior walls, party walls, fire walls, or any combination ther-  
30    eof.

31    ~~[10-]~~ 12. "Fire protection equipment and systems" means apparatus,  
32    assemblies, or systems, either portable or fixed, for use to detect,  
33    prevent, control, or extinguish fire.

34    ~~[11-]~~ 13. "Local government" means a village, town (outside the area  
35    of any incorporated village) or city.

36    ~~[12-]~~ 14. "Means of egress" means a continuous unobstructed way of  
37    exit from any point in a building or structure to a public way. A means  
38    of egress comprises the vertical and horizontal ways of travel and  
39    includes intervening room spaces, doorways, hallways, corridors,  
40    passageways, balconies, ramps, stairs, enclosures, lobbies, escalators,  
41    horizontal exits, courts, and yards.

42    ~~[13-]~~ 15. "Mobile home" means a moveable or portable unit designed and  
43    constructed to be towed on its own chassis, comprised of frame and  
44    wheels, connected to utilities, and designed and constructed without a  
45    permanent foundation for year-round living. A unit may contain parts  
46    that may be folded, collapsed or telescoped when being towed and  
47    expanded later to provide additional cubic capacity as well as two or  
48    more separately towable components designed to be joined into one inte-  
49    gral unit capable of being again separated into the components for  
50    repeated towing. "Mobile home" shall mean units designed to be used  
51    exclusively for residential purposes, excluding travel trailers.

52    ~~[14-]~~ 16. "Office" means the office of fire prevention and control  
53    created pursuant to article six-C of this chapter.

54    ~~[15-]~~ 17. "Permit or certificate of occupancy provision" shall mean  
55    any provision in the applicable code enforcement program that: (a)  
56    prohibits performance of any work that must conform with the uniform

code and/or state energy code unless a building permit, construction permit, demolition permit, or similar permit has been issued, has not been suspended or revoked, and has not expired; (b) prohibits the continuation of work after a stop work order has been issued; (c) prohibits the conduct of any activity or the use of any category of building specified in the rules and regulations promulgated pursuant to subdivision one of section three hundred eighty-one of this article unless an operating permit has been issued, has not been suspended or revoked, and has not expired; or (d) prohibits the use or occupancy of a building or the change of any use or occupancy of a building unless a certificate of occupancy, certificate of completion, or similar certificate has been issued, has not been suspended or revoked, and has not expired.

18. "Required features" means the features required by the rules and regulations promulgated pursuant to subdivision one of section three hundred eighty-one to be included in a code enforcement program.

19. "Secretary" means the secretary of state.

~~16.~~ 20. "Secretary's code enforcement program" means those rules and regulations promulgated pursuant to subdivision one of section three hundred eighty-one of this article that are applicable in situations in which the secretary administers and enforces the uniform code in the place and stead of the local government or county.

21. "State agency" means any department, bureau, commission, board, public authority or other agency of the state, including any public benefit corporation any member of whose board is appointed by the governor.

~~17.~~ 22. "Temporary greenhouse" means specialized agricultural equipment having a framework covered with demountable polyurethane materials or materials of polyurethane nature and lacking a permanent and continuous foundation, which is specifically designed, constructed and used for the culture and propagation of horticultural commodities. A "temporary greenhouse" may include, but is not limited to, the use of heating devices, water and electrical utilities, and supporting poles embedded in non-continuous concrete. In no instance will a temporary greenhouse be used for the retail sale of any farm or non-farm products.

~~18. "Uniform code" or "code" means the New York state uniform fire prevention and building code promulgated pursuant to section three hundred seventy-seven of this article.~~

~~19.] 23. "Truss type construction" means a fabricated structure of wood or steel, made up of a series of members connected at their ends to form a series of triangles to span a distance greater than would be possible with any of the individual members on their own.~~

24. "Uniform code" or "code" means the New York state uniform fire prevention and building code promulgated pursuant to section three hundred seventy-seven of this article.

§ 2. Subdivisions 2, 3, 4 and 5 of section 381 of the executive law, subdivision 2 as amended by chapter 560 of the laws of 2010 and subdivisions 3, 4 and 5 as added by chapter 707 of the laws of 1981, are amended, subdivision 6 is renumbered subdivision 8 and two new subdivisions 6 and 7 are added to read as follows:

2. Except as may be provided in regulations of the secretary pursuant to subdivision one of this section, and subject to the provisions relating to cities with a population of over one million as set forth in paragraph c of subdivision one of section three hundred eighty-three of this article, every local government shall administer and enforce the uniform fire prevention and building code and the state energy conserva-

tion construction code on and after the first day of January, nineteen hundred eighty-four, provided, however, that a local government may enact a local law prior to the first day of July in any year providing that it will not enforce such codes on and after the first day of ~~[January]~~ April next succeeding. In such event the county in which said local government is situated shall administer and enforce such codes within such local government from and after the first day of ~~[January]~~ April next succeeding the effective date of such local law, in accordance with the provisions of paragraph b of subdivision five of this section unless the county shall have previously enacted a local law providing that it will not enforce such codes within that county. In such event the secretary in the place and stead of the local government shall, directly or by ~~[contract]~~ using the services of any contractors or other third-party providers as the secretary may deem to be qualified, administer and enforce the uniform code and the state energy conservation construction code within such local government on and after the first day of April next succeeding. A county that is responsible for administering and enforcing such codes within a local government pursuant to the foregoing provisions of this subdivision may enact a local law prior to the first day of October in any year providing that it will not enforce such codes within such local government on and after the first day of April next succeeding. In such event, the secretary, in the place and stead of such local government, shall, directly or by using the services of any contractors or other third-party providers as the secretary may deem to be qualified, administer and enforce such codes in such local government from and after the first day of April next succeeding. A local government that adopts a local law providing that it will not enforce such codes on and after the first day of April next succeeding shall promptly notify the county in which such local government is located and the secretary of the adoption of such local law. A county that adopts a local law providing that it will not enforce such codes on and after the first day of April next succeeding shall promptly notify each local government in which such county is administering and enforcing such codes and the secretary of the adoption of such local law. A local government or a county may repeal a local law which provides that it will not enforce such codes and shall thereafter administer and enforce such codes as provided above. Two or more local governments may provide for joint administration and enforcement of the uniform code, the state energy conservation construction code, or both, by agreement pursuant to article five-G of the general municipal law. Any local government may enter into agreement with the county in which such local government is situated to administer and enforce the uniform code, the state energy conservation construction code, or both, within such local government. Local governments or counties that administer and enforce the uniform code, the state energy conservation construction code, or both, may charge and collect fees to defray the costs of administration and enforcement. Where the secretary is responsible for administration and enforcement of the uniform code and state energy conservation construction code within a local government pursuant to this subdivision or pursuant to paragraph e of subdivision four of this section, (a) the secretary shall administer and enforce the codes in accordance with the provisions of the secretary's code enforcement program; (b) such rules and regulations shall be deemed to be the applicable code enforcement program for the purposes of section three hundred eighty-two of this article; and (c) the secretary may charge and collect fees to defray the costs of administration and enforcement.

1 3. On and after the first day of July, nineteen hundred eighty-five,  
2 the secretary shall have power to investigate [~~and conduct hearings~~  
3 ~~relative to~~] whether administration and enforcement of the uniform fire  
4 prevention and building code and the state energy conservation  
5 construction code complies with the minimum standards promulgated pursu-  
6 ant to subdivision one of this section. In connection with any such  
7 investigation, the secretary shall have the power to issue subpoenas  
8 compelling the testimony of witnesses, the production of documents, or  
9 both, and the power, at the secretary's discretion, to conduct one or  
10 more hearings. At least ten days written notice of any such hearing  
11 shall be provided to the elective or appointive chief executive officer  
12 or, if there be none, the chairman of the legislative body of the local  
13 government or county whose administration and enforcement of the uniform  
14 code and state energy conservation construction code is at issue.

15 4. If the secretary determines that a local government has failed to  
16 administer and enforce the uniform fire prevention and building code  
17 and/or the state energy conservation construction code in accordance  
18 with the minimum standards promulgated pursuant to subdivision one of  
19 this section, the secretary shall take any of the following actions,  
20 either individually or in combination in any sequence:

21 a. The secretary may issue an order compelling compliance by such  
22 local government with the minimum standards [~~for administration and~~  
23 ~~enforcement of the uniform code~~] promulgated pursuant to subdivision one  
24 of this section.

25 b. The secretary may appoint and remove any person deemed qualified by  
26 the secretary as an oversight officer, who shall have the power and  
27 authority to do any of the following, at the discretion of the oversight  
28 officer:

29 (i) observe, review records and report on compliance by such local  
30 government with the minimum standards promulgated pursuant to subdivi-  
31 sion one of this section;

32 (ii) direct all or any part of the code enforcement activities of the  
33 local government's code enforcement personnel; and

34 (iii) take any other steps deemed by the oversight officer to be  
35 necessary or appropriate to ensure that the uniform code and state ener-  
36 gy conservation construction code are administered and enforced within  
37 such local government in a due and proper manner and in compliance with  
38 the minimum standards promulgated pursuant to subdivision one of this  
39 section. Any person who is appointed as an oversight officer pursuant  
40 to this paragraph shall be deemed to be a state officer under section  
41 two of the public officers law.

42 c. The secretary may ask the attorney general to institute in the name  
43 of the secretary an action or proceeding seeking appropriate legal or  
44 equitable relief to require such local government to administer and  
45 enforce the uniform code and state energy conservation construction code  
46 in a due and proper manner and in compliance with the minimum standards  
47 promulgated pursuant to subdivision one of this section, including but  
48 not limited to requiring such local government to take specific remedial  
49 actions, such as establishing and enforcing an effective code enforce-  
50 ment program, conducting fire safety and property maintenance  
51 inspections, increasing the frequency of fire safety and property main-  
52 tenance inspections, and taking enforcement actions that are timely and  
53 responsive to circumstances associated with the property in question  
54 when violations are identified.

55 [~~a. the~~] d. The secretary may designate the county in which such local  
56 government is located, or any other local government that adjoins or is



1 reasonably proximate to such local government, to administer and enforce  
2 the uniform code and state energy conservation construction code in such  
3 local government. Designation of an adjoining or reasonably proximate  
4 local government shall be subject to the consent of the supervisor or  
5 mayor, as applicable, of such local government. In the case of such  
6 designation, the provisions of subdivision five of this section shall  
7 apply.

8 [~~d~~] e. The secretary may, in the place and stead of the local govern-  
9 ment, directly or by using the services of any contractors or other  
10 third-party providers as the secretary may deem to be qualified, admin-  
11 ister and enforce the uniform code and state energy conservation  
12 construction code in such local government in accordance with the [~~mini-~~  
13 ~~mum standards promulgated pursuant to subdivision one of this section~~]  
14 secretary's code enforcement program. In such event, the provisions of  
15 subdivision five of this section shall apply.

16 f. The secretary may designate the county in which such local govern-  
17 ment is located, any other local government that adjoins or is reason-  
18 ably proximate to such local government, or the department of state to  
19 perform within such local government such types and classes of code  
20 enforcement activities, such as permit application review and approval,  
21 construction inspections, and fire safety and property maintenance  
22 inspections, as the secretary may specify. Designation of an adjoining  
23 or reasonably proximate local government shall be subject to the consent  
24 of the supervisor or mayor, as applicable, of such local government. In  
25 the case of such designation, the provisions of subdivision six of this  
26 section shall apply.

27 g. The secretary may order a local government to cease prosecution of  
28 violations of the uniform code and order that such violations be prose-  
29 cuted pursuant to section seven hundred of the county law.

30 5. Where the secretary has designated a county or adjoining or reason-  
31 ably proximate local government to administer and enforce the uniform  
32 fire prevention and building code and state energy conservation  
33 construction code within a local government pursuant to paragraph d of  
34 subdivision four of this section, or has assumed authority for adminis-  
35 tration and enforcement of the uniform fire prevention and building code  
36 and state energy conservation construction code within a local govern-  
37 ment pursuant to [~~subdivision two or~~] paragraph [~~d~~] e of subdivision  
38 four of this section:

39 a. [~~Such~~] The local government [~~or county government~~] that is not  
40 administering or enforcing the uniform code and state energy conserva-  
41 tion construction code in accordance with minimum standards shall not  
42 administer and enforce the uniform code or state energy conservation  
43 construction code, and shall not charge or collect fees for such admin-  
44 istration and enforcement.

45 b. [~~Such~~] The designated county or local government or the secretary  
46 shall administer and enforce the uniform code within [~~such~~] the local  
47 government whose administration and enforcement of the uniform code and  
48 state energy conservation construction code has not met the minimum  
49 standards from and after the date of such designation or assumption.  
50 Such administration and enforcement shall apply the minimum standards  
51 promulgated by the secretary pursuant to subdivision one of this  
52 section. Notwithstanding any other provisions of law, such designated  
53 county or local government or the secretary shall have full power to  
54 administer and enforce the uniform code [~~in accordance with such~~] and  
55 state energy conservation construction code in the local government  
56 whose administration and enforcement of the uniform code and state ener-

1 gy conservation construction code has not met the minimum standards,  
2 including the power to charge and collect fees for such administration  
3 and enforcement.

4 c. The secretary shall designate the local government [~~or county~~  
5 ~~government~~] whose administration and enforcement of the uniform code and  
6 state energy conservation construction code did not meet the minimum  
7 standards to resume administration and enforcement of the uniform code  
8 when the secretary is satisfied that such local government [~~or county~~]  
9 will provide such administration and enforcement in compliance with the  
10 minimum standards promulgated pursuant to subdivision one of this  
11 section.

12 d. The provisions of subdivisions three and four of this section shall  
13 apply to counties [~~which have been designated to administer and enforce~~  
14 ~~the uniform code in such local government~~] that are responsible for  
15 administration and enforcement of the uniform code and state energy  
16 conservation construction code within a local government pursuant to  
17 subdivision two of this section, to counties that have been designated  
18 to administer and enforce the uniform code and state energy conservation  
19 construction code within a local government pursuant to paragraph d of  
20 subdivision four of this section, and to local governments that have  
21 been designated to administer and enforce the uniform code and state  
22 energy conservation construction code within another local government  
23 pursuant to paragraph d of subdivision four of this section. Where the  
24 provisions of subdivisions three and four of this section are applicable  
25 to a county, references in those subdivisions to a local government  
26 whose administration and enforcement of the uniform code and state ener-  
27 gy conservation construction code have been determined by the secretary  
28 to have not met the minimum standards shall be construed as references  
29 to such county.

30 6. Where the secretary has designated a county, another local govern-  
31 ment, or the department to perform specified types and classes of code  
32 enforcement activities within a local government pursuant to paragraph f  
33 of subdivision four of this section:

34 a. The local government whose administration and enforcement of the  
35 uniform code and state energy conservation construction code has not met  
36 the minimum standards shall not perform the types and classes of code  
37 enforcement activities specified in such designation and shall accept  
38 performance of such types and classes of code enforcement activities by  
39 the designee;

40 b. The local government whose administration and enforcement of the  
41 uniform code and state energy conservation construction code has not met  
42 the minimum standards shall reimburse the designee for any reasonable  
43 costs and expenses incurred by the designee in performing the designated  
44 types and classes of code enforcement activities; and

45 c. The secretary shall designate the local government whose adminis-  
46 tration and enforcement of the uniform code and state energy conserva-  
47 tion construction code has not met the minimum standards to resume  
48 performance of the designated types and classes of code enforcement  
49 activities when the secretary is satisfied that such local government  
50 will perform such activities in a due and proper manner and will other-  
51 wise provide administration and enforcement of the uniform code and  
52 state energy conservation construction code in compliance with the mini-  
53 mum standards promulgated pursuant to subdivision one of this section.

54 7. a. The secretary is authorized to promulgate, and to amend from  
55 time to time, rules and regulations establishing a default code enforce-  
56 ment program. Such default code enforcement program shall include

1 provisions establishing the required features and such other provisions  
2 as the secretary may deem to be appropriate for inclusion in a code  
3 enforcement program. Such default code enforcement program shall also  
4 establish fees to be charged by any local government or county that  
5 administers and enforces the uniform code and/or energy code in accord-  
6 ance with the provisions of the default code enforcement program.

7 b. Any local government or county responsible for administration and  
8 enforcement of the uniform code and/or state energy code within a local  
9 government that has not established its own code enforcement program  
10 shall administer and enforce the uniform code and/or energy code in  
11 accordance with the provisions of the default code enforcement program.

12 c. Any local government or county that administers and enforces the  
13 uniform code and/or energy code in accordance with the provisions of the  
14 default code enforcement program pursuant to paragraph b of this subdivi-  
15 vision shall, through its chief executive officer, have full power and  
16 authority to designate the public officer or agency authorized to issue  
17 an appearance ticket, and a public officer who, by virtue of office,  
18 title or position, is authorized or required to enforce the provisions  
19 of the uniform code and the state energy conservation construction code  
20 and the provisions of the default code enforcement program as fully and  
21 with the same force and effect as such local government or county would  
22 have to enforce provisions established by a local law, ordinance, or  
23 regulation enacted or adopted by such local government or county. The  
24 designation authorized by this paragraph shall not take effect until it  
25 has been filed with the department of state, and must be maintained on  
26 the website of such local government or county unless and until such  
27 local government or county passes a local law delegating the enforcement  
28 authority referenced in this paragraph.

29 d. Where a local government or county is administering and enforcing  
30 the uniform code and/or energy code in accordance with the provisions of  
31 the default code enforcement program pursuant to paragraph b of this  
32 subdivision, the default code enforcement program shall be deemed the  
33 applicable code enforcement program for the purposes of section three  
34 hundred eighty-two of this article.

35 § 3. Section 382 of the executive law, as added by chapter 707 of the  
36 laws of 1981, subdivision 2 as amended by chapter 571 of the laws of  
37 2021, subdivision 3 as amended by chapter 507 of the laws of 2021 and  
38 subdivision 4 as amended by chapter 47 of the laws of 2021, is amended  
39 to read as follows:

40 § 382. Remedies. 1. In addition to and not in limitation of any power  
41 otherwise granted by law, every local government and its authorized  
42 agents shall have the power to order in writing the remedying of any  
43 condition found to exist in, on or about any building in violation of  
44 the uniform fire prevention and building code and to issue appearance  
45 tickets for violations of the uniform code.

46 2. Failure to comply with the uniform fire prevention and building  
47 code, permit or certificate of occupancy provision of the code enforce-  
48 ment program, or order. Any person or entity, having been served, either  
49 personally or by registered or certified mail, with an order to remedy  
50 any condition found to exist in, on, or about any building in violation  
51 of the uniform fire prevention and building code, who shall fail to  
52 comply with such order within the time fixed by the regulations promul-  
53 gated by the secretary pursuant to subdivision one of section three  
54 hundred eighty-one of this article, such time period to be stated in the  
55 order, and any owner, builder, architect, tenant, contractor, subcon-  
56 tractor, construction superintendent or their agents or any other person



1 taking part or assisting in the construction of any building who shall  
2 knowingly violate (i) any of the applicable provisions of the uniform  
3 code, (ii) any permit or certificate of occupancy provision of the  
4 applicable code enforcement program, or (iii) any lawful order of a  
5 local government, a county or the secretary made [thereunder] under the  
6 uniform code or under the applicable code enforcement program regarding  
7 standards for construction, maintenance, or fire protection equipment  
8 and systems, shall be guilty of an unclassified misdemeanor. Such  
9 offense shall be punishable by a fine of not more than one thousand  
10 dollars per day of violation, or imprisonment not exceeding one year, or  
11 both for the first one hundred eighty days, and for the following one  
12 hundred eighty days shall be punishable by a fine of no less than twenty-five  
13 dollars and not more than one thousand dollars per day of  
14 violation or imprisonment not exceeding one year, or both and thereafter  
15 shall be punishable by a fine of no less than fifty dollars and not more  
16 than one thousand dollars per day of violation or imprisonment not  
17 exceeding one year, or both.

18 3. Where the construction or use of a building is in violation of (i)  
19 any provision of the uniform code [or any lawful order obtained there-  
20 under], (ii) any permit or certificate of occupancy provision of the  
21 applicable code enforcement program, or (iii) any provision of any  
22 lawful order made under this article, under the uniform code, or under  
23 the applicable code enforcement program, a justice of the supreme court,  
24 New York city civil court, a city court, district court or county court  
25 may order the removal of the building or an abatement of the condition  
26 in violation of such provisions. Where a person or entity, having been  
27 served with any lawful order made under this article, under the uniform  
28 code, or under the applicable code enforcement program, shall fail to  
29 comply with such order, a justice of the supreme court, New York city  
30 civil court, a city court, district court or county court may order  
31 compliance with such order. An application for such relief may be made  
32 by the secretary, an appropriate municipal officer, or any other person  
33 aggrieved by the violation.

34 4. In addition to any other applicable remedy or penalty, where a  
35 building has been altered in violation of any provision of the uniform  
36 code or any lawful order obtained [thereunder] under this article, under  
37 the uniform code, or under the applicable code enforcement program, and  
38 such alteration impedes a person's egress from such building during a  
39 fire or other emergency evacuation, the owner of such building, and any  
40 builder, architect, contractor, subcontractor or construction super-  
41 intendent, or agent thereof who has knowledge of such alteration, or  
42 owner who reasonably should have had knowledge of such alteration based  
43 on either an inspection or repair of a leased premises with consent from  
44 the tenant, shall be subject to a civil penalty of up to seven thousand  
45 five hundred dollars.

46 5. (a) Notwithstanding any other provision of law, all fines imposed  
47 and collected for any violation of this section shall be paid at least  
48 monthly into the treasury of the local government in which such  
49 violation occurred, unless: (i) the county is administering and enforc-  
50 ing the uniform fire prevention and building code and state energy  
51 conservation construction code in such local government as provided by  
52 subdivision two or four of section three hundred eighty-one of this  
53 article, in which case such fines and penalties collected in cases aris-  
54 ing out of the violation of this section shall be paid at least monthly  
55 into the treasury of the county, (ii) an adjoining or reasonably prox-  
56 imate local government is administering and enforcing the uniform fire

1 prevention and building code and state energy conservation construction  
2 code in such local government as provided by subdivision four of section  
3 three hundred eighty-one of this article, in which case such fines and  
4 penalties collected in cases arising out of the violation of this  
5 section shall be paid at least monthly into the treasury of such adjoin-  
6 ing or reasonably proximate local government, or (iii) the secretary is  
7 administering and enforcing the uniform fire prevention and building  
8 code and state energy conservation construction code in such local  
9 government as provided by subdivision two or four of section three  
10 hundred eighty-one of this article, in which case such fines and penal-  
11 ties collected in cases arising out of the violation of this section  
12 shall be paid at least monthly into the general fund established by  
13 section seventy-two of the state finance law. Where two or more local  
14 governments have provided for joint administration and enforcement of  
15 the uniform code, the state energy conservation construction code, or  
16 both, by agreement pursuant to article five-G of the general municipal  
17 law, such local governments may provide in such agreement for a differ-  
18 ent distribution of such fines.

19 (b) The civil penalties provided in subdivision four of this section  
20 may be recovered in an appropriate action or proceeding commenced by the  
21 local government, county, or state agency responsible for administration  
22 and enforcement of the uniform code with respect to the building that  
23 was altered in violation of any provision of the uniform code or any  
24 lawful order obtained under this article, under the uniform code, or  
25 under the applicable code enforcement program, and shall be payable to  
26 the treasury of such local government, the treasury of such county, or  
27 the general fund of the state of New York, as applicable.

28 § 4. Subdivision 15 of section 11-102 of the energy law, as amended by  
29 chapter 560 of the laws of 2010 and renumbered by chapter 374 of the  
30 laws of 2022, is amended to read as follows:

31 15. "Residential building." Any building which is designed or is to be  
32 used primarily as a dwelling or household as defined by the state fire  
33 prevention and building code council, including any factory manufactured  
34 home as defined in subdivision ~~eight~~ ten of section three hundred  
35 seventy-two of the executive law and any mobile home as defined in  
36 subdivision ~~thirteen~~ fifteen of section three hundred seventy-two of  
37 the executive law.

38 § 5. This act shall take effect immediately.