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3372--A

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Introduced by Sens. SKOUFIS, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

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

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

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

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

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1 ~~3.~~ 3. "Areas of public assembly" means all buildings or portions of
2 buildings used for gathering together fifty or more persons for amuse-
3 ment, athletic, civic, dining, educational, entertainment, patriotic,
4 political, recreational, religious, social, or similar purposes, the
5 entire fire area of which they are a part, and the means of egress ther-
6 efrom.

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

14 ~~[4-]~~ 5. "Construction" means the construction, reconstruction, alter-
15 ation, conversion, repair, installation of equipment or use of build-
16 ings, and requirements or standards relating to or affecting materials
17 used in connection therewith, including provisions for safety and sani-
18 tary conditions.

19 ~~[5-]~~ 6. "Council" means the state fire prevention and building code
20 council created by this article.

21 ~~[6-]~~ 7. "Default code enforcement program" means the code enforcement
22 program established by the rules and regulations promulgated pursuant to
23 subdivision seven of section three hundred eighty-one of this article.

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

25 ~~[7-]~~ 9. "Equipment" means plumbing, heating, electrical, ventilating,
26 air conditioning, refrigerating equipment, elevators, dumb waiters,
27 escalators and other mechanical additions or installations.

28 ~~[8-]~~ 10. "Factory manufactured home" means a structure designed prima-
29 rily for residential occupancy constructed by a method or system of
30 construction whereby the structure or its components are wholly or in
31 substantial part manufactured in manufacturing facilities, intended or
32 designed for permanent installation, or assembly and permanent installa-
33 tion, on a building site.

34 ~~[9-]~~ 11. "Fire area" means the floor area of a story of a building
35 within exterior walls, party walls, fire walls, or any combination ther-
36 eof.

37 ~~[10-]~~ 12. "Fire protection equipment and systems" means apparatus,
38 assemblies, or systems, either portable or fixed, for use to detect,
39 prevent, control, or extinguish fire.

40 ~~[11-]~~ 13. "Local government" means a village, town (outside the area
41 of any incorporated village) or city.

42 ~~[12-]~~ 14. "Means of egress" means a continuous unobstructed way of
43 exit from any point in a building or structure to a public way. A means
44 of egress comprises the vertical and horizontal ways of travel and
45 includes intervening room spaces, doorways, hallways, corridors,
46 passageways, balconies, ramps, stairs, enclosures, lobbies, escalators,
47 horizontal exits, courts, and yards.

48 ~~[13-]~~ 15. "Mobile home" means a moveable or portable unit designed and
49 constructed to be towed on its own chassis, comprised of frame and
50 wheels, connected to utilities, and designed and constructed without a
51 permanent foundation for year-round living. A unit may contain parts
52 that may be folded, collapsed or telescoped when being towed and
53 expanded later to provide additional cubic capacity as well as two or
54 more separately towable components designed to be joined into one inte-
55 gral unit capable of being again separated into the components for

1 repeated towing. "Mobile home" shall mean units designed to be used
2 exclusively for residential purposes, excluding travel trailers.

3 ~~[14-]~~ 16. "Office" means the office of fire prevention and control
4 created pursuant to article six-C of this chapter.

5 ~~[15-]~~ 17. "Permit or certificate of occupancy provision" shall mean
6 any provision in the applicable code enforcement program that: (a)
7 prohibits performance of any work that must conform with the uniform
8 code and/or state energy code unless a building permit, construction
9 permit, demolition permit, or similar permit has been issued, has not
10 been suspended or revoked, and has not expired; (b) prohibits the
11 continuation of work after a stop work order has been issued; (c)
12 prohibits the conduct of any activity or the use of any category of
13 building specified in the rules and regulations promulgated pursuant to
14 subdivision one of section three hundred eighty-one of this article
15 unless an operating permit has been issued, has not been suspended or
16 revoked, and has not expired; or (d) prohibits the use or occupancy of a
17 building or the change of any use or occupancy of a building unless a
18 certificate of occupancy, certificate of completion, or similar certifi-
19 cate has been issued, has not been suspended or revoked, and has not
20 expired.

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

25 19. "Secretary" means the secretary of state.

26 ~~[16-]~~ 20. "Secretary's code enforcement program" means those rules and
27 regulations promulgated pursuant to subdivision one of section three
28 hundred eighty-one of this article that are applicable in situations in
29 which the secretary administers and enforces the uniform code in the
30 place and stead of the local government or county.

31 21. "State agency" means any department, bureau, commission, board,
32 public authority or other agency of the state, including any public
33 benefit corporation any member of whose board is appointed by the gover-
34 nor.

35 ~~[17-]~~ 22. "Temporary greenhouse" means specialized agricultural equip-
36 ment having a framework covered with demountable polyurethane materials
37 or materials of polyurethane nature and lacking a permanent and contin-
38 uous foundation, which is specifically designed, constructed and used
39 for the culture and propagation of horticultural commodities. A "tempo-
40 rary greenhouse" may include, but is not limited to, the use of heating
41 devices, water and electrical utilities, and supporting poles embedded
42 in non-continuous concrete. In no instance will a temporary greenhouse
43 be used for the retail sale of any farm or non-farm products.

44 ~~[18-]~~ ~~"Uniform code" or "code" means the New York state uniform fire~~
45 ~~prevention and building code promulgated pursuant to section three~~
46 ~~hundred seventy-seven of this article.~~

47 ~~19-]~~ 23. "Truss type construction" means a fabricated structure of
48 wood or steel, made up of a series of members connected at their ends to
49 form a series of triangles to span a distance greater than would be
50 possible with any of the individual members on their own.

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

54 § 2. Subdivisions 2, 3, 4 and 5 of section 381 of the executive law,
55 subdivision 2 as amended by chapter 560 of the laws of 2010 and subdivi-
56 sions 3, 4 and 5 as added by chapter 707 of the laws of 1981, are

1 amended, subdivision 6 is renumbered subdivision 8 and two new subdivi-
2 sions 6 and 7 are added to read as follows:

3 2. Except as may be provided in regulations of the secretary pursuant
4 to subdivision one of this section, and subject to the provisions relat-
5 ing to cities with a population of over one million as set forth in
6 paragraph c of subdivision one of section three hundred eighty-three of
7 this article, every local government shall administer and enforce the
8 uniform fire prevention and building code and the state energy conserva-
9 tion construction code on and after the first day of January, nineteen
10 hundred eighty-four, provided, however, that a local government may
11 enact a local law prior to the first day of July in any year providing
12 that it will not enforce such codes on and after the first day of [~~Janu-~~
13 ~~ary~~] April next succeeding. In such event the county in which said local
14 government is situated shall administer and enforce such codes within
15 such local government from and after the first day of [~~January~~] April
16 next succeeding the effective date of such local law, in accordance with
17 the provisions of paragraph b of subdivision five of this section unless
18 the county shall have previously enacted a local law providing that it
19 will not enforce such codes within that county. In such event the secre-
20 tary in the place and stead of the local government shall, directly or
21 by [~~contract~~] using the services of any contractors or other third-party
22 providers as the secretary may deem to be qualified, administer and
23 enforce the uniform code and the state energy conservation construction
24 code within such local government on and after the first day of April
25 next succeeding. A county that is responsible for administering and
26 enforcing such codes within a local government pursuant to the foregoing
27 provisions of this subdivision may enact a local law prior to the first
28 day of October in any year providing that it will not enforce such codes
29 within such local government on and after the first day of April next
30 succeeding. In such event, the secretary, in the place and stead of such
31 local government, shall, directly or by using the services of any
32 contractors or other third-party providers as the secretary may deem to
33 be qualified, administer and enforce such codes in such local government
34 from and after the first day of April next succeeding. A local govern-
35 ment that adopts a local law providing that it will not enforce such
36 codes on and after the first day of April next succeeding shall promptly
37 notify the county in which such local government is located and the
38 secretary of the adoption of such local law. A county that adopts a
39 local law providing that it will not enforce such codes on and after the
40 first day of April next succeeding shall promptly notify each local
41 government in which such county is administering and enforcing such
42 codes and the secretary of the adoption of such local law. A local
43 government or a county may repeal a local law which provides that it
44 will not enforce such codes and shall thereafter administer and enforce
45 such codes as provided above. Two or more local governments may provide
46 for joint administration and enforcement of the uniform code, the state
47 energy conservation construction code, or both, by agreement pursuant to
48 article five-G of the general municipal law. Any local government may
49 enter into agreement with the county in which such local government is
50 situated to administer and enforce the uniform code, the state energy
51 conservation construction code, or both, within such local government.
52 Local governments or counties that administer and enforce the uniform
53 code, the state energy conservation construction code, or both, may
54 charge and collect fees to defray the costs of administration and
55 enforcement. Where the secretary is responsible for administration and
56 enforcement of the uniform code and state energy conservation

1 construction code within a local government pursuant to this subdivision
2 or pursuant to paragraph e of subdivision four of this section, (a) the
3 secretary shall administer and enforce the codes in accordance with the
4 provisions of the secretary's code enforcement program; (b) such rules
5 and regulations shall be deemed to be the applicable code enforcement
6 program for the purposes of section three hundred eighty-two of this
7 article; and (c) the secretary may charge and collect fees to defray the
8 costs of administration and enforcement.

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

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

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

33 b. The secretary may appoint and remove any person deemed qualified by
34 the secretary as an oversight officer, who shall have the power and
35 authority to do any of the following, at the discretion of the oversight
36 officer:

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

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

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

50 c. The secretary may ask the attorney general to institute in the name
51 of the secretary an action or proceeding seeking appropriate legal or
52 equitable relief to require such local government to administer and
53 enforce the uniform code and state energy conservation construction code
54 in a due and proper manner and in compliance with the minimum standards
55 promulgated pursuant to subdivision one of this section, including but
56 not limited to requiring such local government to take specific remedial

1 actions, such as establishing and enforcing an effective code enforce-
2 ment program, conducting fire safety and property maintenance
3 inspections, increasing the frequency of fire safety and property main-
4 tenance inspections, and taking enforcement actions that are timely and
5 responsive to circumstances associated with the property in question
6 when violations are identified.

7 ~~[e--the]~~ d. The secretary may designate the county in which such local
8 government is located, or any other local government that adjoins or is
9 reasonably proximate to such local government, to administer and enforce
10 the uniform code and state energy conservation construction code in such
11 local government. Designation of an adjoining or reasonably proximate
12 local government shall be subject to the consent of the supervisor or
13 mayor, as applicable, of such local government. In the case of such
14 designation, the provisions of subdivision five of this section shall
15 apply.

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

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

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

38 5. Where the secretary has designated a county or adjoining or reason-
39 ably proximate local government to administer and enforce the uniform
40 fire prevention and building code and state energy conservation
41 construction code within a local government pursuant to paragraph d of
42 subdivision four of this section, or has assumed authority for adminis-
43 tration and enforcement of the uniform fire prevention and building code
44 and state energy conservation construction code within a local govern-
45 ment pursuant to ~~[subdivision two or]~~ paragraph ~~[d]~~ e of subdivision
46 four of this section:

47 a. ~~[Such]~~ The local government [or county government] that is not
48 administering or enforcing the uniform code and state energy conserva-
49 tion construction code in accordance with minimum standards shall not
50 administer and enforce the uniform code or state energy conservation
51 construction code, and shall not charge or collect fees for such admin-
52 istration and enforcement.

53 b. ~~[Such]~~ The designated county or local government or the secretary
54 shall administer and enforce the uniform code within [such] the local
55 government whose administration and enforcement of the uniform code and
56 state energy conservation construction code has not met the minimum

standards from and after the date of such designation or assumption. Such administration and enforcement shall apply the minimum standards promulgated by the secretary pursuant to subdivision one of this section. Notwithstanding any other provisions of law, such designated county or local government or the secretary shall have full power to administer and enforce the uniform code ~~[in accordance with such]~~ and state energy conservation construction code in the local government whose administration and enforcement of the uniform code and state energy conservation construction code has not met the minimum standards, including the power to charge and collect fees for such administration and enforcement.

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

d. The provisions of subdivisions three and four of this section shall apply to counties ~~[which have been designated to administer and enforce the uniform code in such local government]~~ that are responsible for administration and enforcement of the uniform code and state energy conservation construction code within a local government pursuant to subdivision two of this section, to counties that have been designated to administer and enforce the uniform code and state energy conservation construction code within a local government pursuant to paragraph d of subdivision four of this section, and to local governments that have been designated to administer and enforce the uniform code and state energy conservation construction code within another local government pursuant to paragraph d of subdivision four of this section. Where the provisions of subdivisions three and four of this section are applicable to a county, references in those subdivisions to a local government whose administration and enforcement of the uniform code and state energy conservation construction code have been determined by the secretary to have not met the minimum standards shall be construed as references to such county.

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

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

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

c. The secretary shall designate the local government whose administration and enforcement of the uniform code and state energy conservation construction code has not met the minimum standards to resume performance of the designated types and classes of code enforcement

1 activities when the secretary is satisfied that such local government
2 will perform such activities in a due and proper manner and will other-
3 wise provide administration and enforcement of the uniform code and
4 state energy conservation construction code in compliance with the mini-
5 um standards promulgated pursuant to subdivision one of this section.

6 7. a. The secretary is authorized to promulgate, and to amend from
7 time to time, rules and regulations establishing a default code enforce-
8 ment program. Such default code enforcement program shall include
9 provisions establishing the required features and such other provisions
10 as the secretary may deem to be appropriate for inclusion in a code
11 enforcement program. Such default code enforcement program shall also
12 establish fees to be charged by any local government or county that
13 administers and enforces the uniform code and/or energy code in accord-
14 ance with the provisions of the default code enforcement program.

15 b. Any local government or county responsible for administration and
16 enforcement of the uniform code and/or state energy code within a local
17 government that has not established its own code enforcement program
18 shall administer and enforce the uniform code and/or energy code in
19 accordance with the provisions of the default code enforcement program.

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

37 d. Where a local government or county is administering and enforcing
38 the uniform code and/or energy code in accordance with the provisions of
39 the default code enforcement program pursuant to paragraph b of this
40 subdivision, the default code enforcement program shall be deemed the
41 applicable code enforcement program for the purposes of section three
42 hundred eighty-two of this article.

43 § 3. Section 382 of the executive law, as added by chapter 707 of the
44 laws of 1981, subdivision 2 as amended by chapter 571 of the laws of
45 2021, subdivision 3 as amended by chapter 507 of the laws of 2021 and
46 subdivision 4 as amended by chapter 47 of the laws of 2021, is amended
47 to read as follows:

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

54 2. Failure to comply with the uniform fire prevention and building
55 code, permit or certificate of occupancy provision of the code enforce-
56 ment program, or order. Any person or entity, having been served, either

1 personally or by registered or certified mail, with an order to remedy
2 any condition found to exist in, on, or about any building in violation
3 of the uniform fire prevention and building code, who shall fail to
4 comply with such order within the time fixed by the regulations promul-
5 gated by the secretary pursuant to subdivision one of section three
6 hundred eighty-one of this article, such time period to be stated in the
7 order, and any owner, builder, architect, tenant, contractor, subcon-
8 tractor, construction superintendent or their agents or any other person
9 taking part or assisting in the construction of any building who shall
10 knowingly violate (i) any of the applicable provisions of the uniform
11 code, (ii) any permit or certificate of occupancy provision of the
12 applicable code enforcement program, or (iii) any lawful order of a
13 local government, a county or the secretary made [thereunder] under the
14 uniform code or under the applicable code enforcement program regarding
15 standards for construction, maintenance, or fire protection equipment
16 and systems, shall be punishable by a fine of not more than one thousand
17 dollars per day of violation, or imprisonment not exceeding one year, or
18 both for the first one hundred eighty days, and for the following one
19 hundred eighty days shall be punishable by a fine of no less than twen-
20 ty-five dollars and not more than one thousand dollars per day of
21 violation or imprisonment not exceeding one year, or both and thereafter
22 shall be punishable by a fine of no less than fifty dollars and not more
23 than one thousand dollars per day of violation or imprisonment not
24 exceeding one year, or both.

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

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

53 5. (a) Notwithstanding any other provision of law, all fines imposed
54 and collected for any violation of this section shall be paid at least
55 monthly into the treasury of the local government in which such
56 violation occurred, unless: (i) the county is administering and enforc-

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

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

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

38 15. "Residential building." Any building which is designed or is to be
39 used primarily as a dwelling or household as defined by the state fire
40 prevention and building code council, including any factory manufactured
41 home as defined in subdivision [~~eight~~] ten of section three hundred
42 seventy-two of the executive law and any mobile home as defined in
43 subdivision [~~thirteen~~] fifteen of section three hundred seventy-two of
44 the executive law.

45 § 5. This act shall take effect immediately.