

## TEXT OF RULE

**1. Section 1203.1 of Part 1203 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:**

**1203.1 Introduction.**

Section 381 of the Executive Law directs the Secretary of State to promulgate rules and regulations for administration of the Uniform Fire Prevention and Building Code (Uniform Code) and the State Energy Conservation Construction Code (Energy Code). These rules and regulations are to address the nature and quality of enforcement and are the subject of this Part.

**2. Part 1203 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new section 1203.5 to read as follows:**

**1203.5 Compliance with an order to remedy.**

(a) Section 381 of the Executive Law provides for the administration and enforcement of the Uniform Code and authorizes the promulgation of this Part to establish minimum standards for such administration and enforcement. In addition, subdivision 2 of section 382 of the Executive Law provides, in part, that any person, having been served, either personally or by registered or certified mail, with an order to remedy any condition found to exist in, on, or about any building in violation of the Uniform Code, who shall fail to comply with such order within the time fixed by the regulations promulgated by the Secretary of State pursuant to subdivision 1 of section 381 of the Executive Law, such time period to be stated in the order, shall be punishable by a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both. For the purposes of subdivision 2 of section 382 of the

Executive Law, the time within which compliance with an order to remedy is required is hereby fixed at thirty (30) days following the date of the order to remedy.

(b) When a city, village, town, or county, charged under subdivision 2 of section 381 of the Executive Law with administration and enforcement of the Uniform Code, or a state agency accountable under subdivision (d) of section 1201.2 of this Title for administration and enforcement of the Uniform Code, or the Secretary of State acting under Part 1202 of this Title, issues an order to remedy any condition found to exist in, on, or about any building in violation of the Uniform Code, such order to remedy shall set forth the date of the order, the date by which compliance must be completed, and shall include a statement substantially similar to the following:

“NOTICE: Full compliance with this order to remedy is required by \_\_\_\_\_ [specify date], which is thirty (30) days after the date of this order. If the person or entity served with this order to remedy fails to comply in full with this order to remedy within the thirty (30) day period, that person or entity will be subject to a fine of not more than \$1,000 per day of violation, or imprisonment not exceeding one year, or both.”

(c) An order to remedy a condition found to exist in, on, or about any building in violation of the Uniform Code shall be served personally or by certified or registered mail within five (5) days of the date of the order.

(d) Nothing in this section shall be construed as prohibiting any city, village, town, county, state agency or the Secretary of State from providing in an order to remedy that the person or entity served with such order must begin to remedy the violation(s) described in the order immediately, or within some other period of time which is specified in the order and which may be less than thirty (30) days; must thereafter continue diligently to remedy such

violation(s) until each such violation is fully remedied; and must in any event fully remedy all such violation(s) within thirty (30) days of the date of such order.

(e) Nothing in this section shall be construed as limiting the authority of any city, village, town, county, state agency or the Secretary of State to employ any other means of enforcing the Uniform Code and/or Energy Code, including, but not limited to:

(1) issuing notices of violation;

(2) issuing appearance tickets;

(3) commencing and prosecuting an appropriate action or proceeding pursuant to that part of subdivision 2 of section 382 of the Executive Law that provides that any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in the “construction” (as defined in subdivision 4 of section 372 of the Executive Law) of any building who shall knowingly violate any of the applicable provisions of the Uniform Code or any lawful order of a city, village, town, county, state agency or the Secretary of State made thereunder regarding standards for construction, maintenance, or fire protection equipment and systems, shall be subject to a fine of not more than one thousand dollars per day of violation, or imprisonment not exceeding one year, or both;

(4) commencing and prosecuting an appropriate action or proceeding pursuant to subdivision 3 of section 382 of the Executive Law which seeks, in a case where the construction or use of a building is in violation of any provision of the Uniform Code or any lawful order obtained thereunder, an order from a Justice of the Supreme Court directing the removal of the building or an abatement of the condition in violation of such provisions;

(5) issuing stop work orders;

(6) revoking or suspending building permits; revoking or suspending certificates of occupancy; or

(7) commencing and prosecuting an appropriate action or proceeding to impose such criminal and/or civil sanctions as may be provided in applicable local laws, ordinances, rules or regulations.