



## Legislation Text

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Int. No. 922

By Council Member Spigner (by request of the Mayor); also Council Member Foster

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the inspection and enforcement authority of the fire commissioner and the commissioner of buildings, and to repeal section 27-228.16 of such code.

*Be it enacted by the Council as follows:*

Section 1. Section 487 of the New York city charter is amended by adding a new subdivision g to read as follows:

The commissioner shall have jurisdiction that is concurrent with such jurisdiction as is conferred by section six hundred forty-three of this charter on the commissioner of buildings to enforce, with respect to buildings and structures, the provisions of subchapters one and three of chapter one of title twenty-six and chapters one and three of title twenty-seven of the administrative code of the city of New York, the zoning resolution of the city of New York, the multiple dwelling law, the labor law and other laws, rules and regulations, except that the commissioner shall not have jurisdiction to enforce any provisions of such code, zoning resolution, multiple dwelling law, labor law or other laws, rules or regulations relating to the approval of plans, acceptance of “materials, assemblies, forms and methods of construction” under article seven of subchapter one of chapter one of title twenty-seven of the administrative code of the city of New York, acceptance of service equipment, issuance of permits and certificates of occupancy, and the issuance and administration of licenses.

§2. The last undesignated paragraph of section 488 of the New York city charter is amended to read as follows:

The powers conferred by this section shall not extend to the enforcement of any provision of the health code or the regulations of the board of health[, or of any provision of the building code relating to the construction or alteration of buildings or the installation of service equipment, except as otherwise provided therein,] or interfere in any manner with the powers and duties of the board of health or the chairman of the board of health [or of the department of buildings or of the commissioner of buildings].

§3. The opening paragraph of subdivision b of section 645 of the New York city charter is amended to read as follows:

(b) With respect to buildings and structures, the commissioner shall have the following powers and duties exclusively, subject to review only by the board of standards and appeals as provided by law and except as otherwise provided in paragraph one of this subdivision with respect to the concurrent jurisdiction of the fire commissioner:

§4. Paragraph 1 of subdivision b of section 645 of the New York city charter is amended to read as follows:

(1) to examine and approve or disapprove plans for the construction or alteration of any building or structure, including the installation or alteration of any service equipment therein, and to direct the inspection of such building or structure, and the service equipment therein, in the course of construction, installation or alteration, except that jurisdiction shall be concurrent with the fire commissioner to the extent provided in subdivision g of section four hundred eighty-seven of this charter;

§5. The administrative code of the city of New York is amended by adding a new section 26-101.1 to read as follows:

§26-101.1 Enforcement. a. The fire commissioner and the fire department shall have concurrent jurisdiction with the commissioner of buildings and the department of buildings, respectively, with respect to the powers granted by this subchapter and subchapter three of this chapter and chapter one of title twenty-seven of this code, except that the fire commissioner shall not have jurisdiction to enforce the provisions of this

code relating to the approval of plans, acceptance of “materials, assemblies, forms and methods of construction” under article seven of subchapter one of chapter one of title twenty-seven of the code, acceptance of service equipment, issuance of permits or certificates of occupancy, or the issuance or administration of licenses.

Nothing contained in this section shall be construed to require that both the commissioner of buildings and the fire commissioner, or both of their respective departments, perform any act in the exercise of their concurrent jurisdiction to enforce the provisions of this subchapter or subchapter three of this chapter or chapter one of title twenty-seven of this code.

§6. Section 26-107 of the administrative code of the city of New York is amended to read as follows:

§26-107 Cooperation of other departments. Upon request of the commissioner, it shall be the duty of all departments to cooperate with the department of buildings and the fire department at all times, and to furnish to such [department] departments such information, reports and assistance as the commissioner may require.

§7. Section 27-106 of the administrative code of the city of New York is amended to read as follows:

§27-106 Enforcement. a. This code shall be enforced by the commissioner of buildings, pursuant to the provisions of section six hundred forty-three of the New York city charter, as amended, [except that the fire commissioner shall also enforce the provisions of this code relating to the approved number of persons in places of assembly (overcrowding), obstruction of aisles, corridors, and exits, and to the maintenance of fire alarm equipment and devices, exit and directional signs, emergency lighting, and fire-preventive and fire-extinguishing equipment and devices, and except that the commissioner of ports and terminals shall enforce all the provisions of this code with respect to buildings under the jurisdiction of the department of ports and terminals] and the fire commissioner, pursuant to subdivision g of section four hundred eighty-seven of the New York city charter, as amended. Where the installation of exit and directional signs, emergency lighting and sprinkler and fire alarm protection is required by the fire prevention code, the fire commissioner shall require

such installations to be in accordance with the provisions of this code.

Nothing contained in this section shall be construed to require that both the commissioner of buildings and the fire commissioner, or both of their respective departments, perform any act in the exercise of their concurrent jurisdiction to enforce the provisions of subchapters one or three of chapter one of title twenty-six of this code or this chapter.

§8. The definition in the seventy-first paragraph of section 27-232 of the administrative code of the city of New York is amended to read as follows:

COMMISSIONER. The commissioner of buildings of the city of New York, or his or her duly authorized representative, or, as provided in section 26-101.1 of this code, the fire commissioner of the city of New York, or his or her duly authorized representative.

§9. The definition in the ninety-fourth paragraph of section 27-232 of the administrative code of the city of New York is amended to read as follows:

DEPARTMENT. The department of buildings of the city of New York, or, as provided in section 26-101.1 of this code, the fire department of the city of New York.

§10. Section 27-228.16 of the administrative code of the city of New York is REPEALED.

§11. Subdivision 16 of section 27-3004 of the administrative code of the city of New York is amended to read as follows:

16. Commissioner. The commissioner of [the department of] buildings, or his or her duly authorized representative, or, as provided in section 27-3005.1 of this code, the fire commissioner, or his or her duly authorized representative.

§12. The administrative code of the city of New York is amended by adding a new section 27-3005.1 to read as follows:

§27-3005.1 Enforcement. a. The fire commissioner and the fire department shall have concurrent jurisdiction with the commissioner of buildings and the department of buildings, respectively, with respect to

the powers granted by this chapter, except that the fire commissioner shall not have jurisdiction to enforce the provisions of this chapter relating to the approval of applications for certificates of electrical inspection, the issuance of temporary or final certificates of electrical inspection or the issuance of permits and shall not have jurisdiction to appoint an advisory board having the functions specified in paragraph seven of subdivision a of section 27-3005 of the code.

b. Nothing contained in this section shall be construed to require that both the commissioner of buildings and the fire commissioner, or both of their respective departments, perform any act in the exercise of their concurrent jurisdiction to enforce the provisions of this chapter.

§13. Any agency or officers to whom are assigned by or pursuant to this local law any powers and duties shall exercise such powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall be authorized to continue any business, proceeding or other matter commenced by the agency or officer by whom such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject-matter of such powers or duties and applicable to the agency or officer formerly exercising the same, shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such powers and duties are assigned.

§14. No existing right or remedy of any character shall be impaired or affected by reason of the adoption of this local law.

§15. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may, by or pursuant to this local law, be assigned to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been

assigned by or pursuant to this local law.

§16. This local law shall take effect immediately.