

Council Member Conti introduced the following:

LOCAL LAW G OF 2021

LOCAL LAW AMENDING ARTICLE IX (BUILDING CONSTRUCTION & REGULATION) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE POWER OF THE CHIEF BUILDING OFFICIAL TO ACT IN EMERGENCIES

Be it enacted, by the Common Council of the City of Albany as follows:

Section 1. Section 133-55 (Power to act in emergencies) of Article IX (Building Construction and Regulation) of Part 2 (Building Construction) of Chapter 133 (Building Construction) of Part II (General Legislation) of the Code of the City of Albany is hereby amended to read as follows:

§ 133-55 - Power to act in emergencies.

- A. Whenever the [~~Commissioner~~] Chief Building Official finds that a violation of this Part 2 exists which, in [~~his~~] their opinion, requires immediate action to abate a direct hazard or an immediate danger to the health, safety or welfare of the occupants of a building or of the public, the [~~Commissioner~~] Chief Building Official may, without prior notice or hearing, take any action authorized herein which is reasonably necessary to abate or remove the condition.
- B. Such action may include but is not limited to demolition of the building or structure, vacating the occupants of the premises and of surrounding premises, closing of public or private streets or rights-of-way, termination of utility service, erection of barricades and other protections and the performance of physical work on the premises.
- C. Recovery of any cost incurred with respect to the abatement of an emergency by the [~~Commissioner~~] Chief Building Official shall take place pursuant to the provisions of this Part 2, and the [~~Commissioner of Buildings~~] Chief Building Official is hereby authorized and empowered to employ such labor and furnish such materials and take such steps as in [~~his~~] their judgment may be necessary to make the building safe.
- D. The value of the work done and the materials furnished in doing said work, or any part thereof, under and by direction of the Department of Buildings, as provided for in the last section, shall, when properly certified by the [~~Commissioner of Buildings~~] Chief Building Official, be audited and paid by the City in the same manner as other claims against the City are audited and paid, and the amount so paid [~~shall be and remain a lien against the property upon which the work is done~~] shall constitute a debt recoverable from the owner and a lien upon the building and lot, and upon the rents and other income thereof, and shall be collected by the City from the owner of such property in the same manner as taxes are collected, and the City may institute an action at law against such owner, owners or

Matter in brackets and [~~striketrough~~] to be deleted. Matter underlined is new material.

occupants to recover the cost thereof. The remedy by action at law shall be in addition to the right to assess the cost as a lien against the property.

Section 2. This ordinance shall take effect upon final passage, public hearing, and filing with the Secretary of State.

**APPROVED AS TO FORM THIS
6TH DAY OF MARCH, 2021**

Corporation Counsel

To: Danielle Gillespie, City Clerk

From: Robert Magee, Deputy Corporation Counsel
Laura Gulfo, Assistant Corporation Counsel
Brett Williams, Esq., Sr. Assistant Corporation Counsel

Re: Request for Common Council Legislation
Supporting Memorandum

Date: March 2, 2021

Sponsor: Council Member Conti

LOCAL LAW G OF 2021

TITLE

A LOCAL LAW AMENDING ARTICLE IX (BUILDING CONSTRUCTION & REGULATION) OF PART 2 (BUILDING CONSTRUCTION) OF CHAPTER 133 (BUILDING CONSTRUCTION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE POWER OF THE CHIEF BUILDING OFFICIAL TO ACT IN EMERGENCIES

GENERAL PURPOSE OF LEGISLATION

This ordinance clarifies the authority of the Chief Building Official to act in the event of violations of the New York State Uniform Fire Prevention and Building Code which constitute an imminent safety threat.

This ordinance changes the title of the official with the authority to act in the event of such violations from “Commissioner” to Chief Building Official” and de-genders the language describing this individual.

This ordinance also changes the language describing the obligation of the property owner to reimburse the City for the costs of work performed according to this chapter to make it easier for the City to recover such debt after the fact.

NECESSITY FOR LEGISLATION AND CHANGES TO EXISTING LAW

The changes made by this ordinance will better reflect the description of the Chief Building Official employed elsewhere in the City Code, particularly in the recent amendment to Chapter 375, the Unified Sustainable Development Ordinance. It also provides the City with greater flexibility in designating the Chief Building Official and addresses gender-bias in the wording of existing laws.

FISCAL IMPACT(S)

None