

STATUTES AND RULES

Real Property Tax Law, § 483-d. Farm or food processing labor camps or commissaries.

1. Farm or food processing labor camps or commissaries, as defined in article seven of the labor law, and any other structures used to improve the health, living and working conditions for farm laborers, that are in compliance with all applicable standards set by the departments of health and labor, and the state building code commission shall be exempt from taxation, special ad valorem levies, and special assessments.
 2. The exemption provided by subdivision one of this section shall only be granted upon the application of the owner of the property upon which such structures are located on a form to be prescribed by the state board. Such application shall be filed on or before the appropriate taxable status date with the assessor of the municipality having the power to assess real property. The assessor shall determine that the structure or structures are in compliance with the standards required by subdivision one of this section. Once an exemption is granted pursuant to the provisions of this section, no renewal thereof shall be necessary, unless the structure or structures no longer are in compliance with the standards required by subdivision one of this section.
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Executive Law, § 381. Administration and enforcement of the New York state uniform fire prevention and building code.

1. The secretary shall promulgate rules and regulations prescribing minimum standards for administration and enforcement of the uniform fire prevention and building code promulgated in accordance with sections three hundred seventy-seven and three hundred seventy-eight of this article. Such rules and regulations shall become effective not later than the first day of January, nineteen hundred eighty-five. The secretary shall promulgate such regulations after public hearing and after considering reaction to initial administration and enforcement of the uniform building and fire prevention code, including how local governments have organized to provide for such initial administration and enforcement. Such rules and regulations shall address the nature and quality of enforcement and shall include, but not be limited to the following:
 - a. frequency of inspections,
 - b. number and qualifications of staff, including requirements that inspectors be certified pursuant to this chapter,
 - c. required minimum fees for administration and enforcement,
 - d. adequacy of inspections,
 - e. adequacy of means for insuring compliance with the uniform code,
 - f. establishment of a procedure whereby any provision or requirement of the uniform code may be varied or modified in cases where strict compliance with such provision or requirement would entail practical difficulties or unnecessary hardship or would otherwise be unwarranted. Such procedure shall be designed to insure that any such variance or modification shall not substantially affect adversely provisions for health, safety and security, and that equally safe and proper alternatives may be prescribed. Requests for a variance shall be resolved within sixty days of the date of application unless a longer period

is required for good cause shown, and

g. procedures for inspection of certain classes of buildings based upon design, construction, ownership, occupancy or use, including, but not limited to, mobile homes, factory manufactured homes and state-owned buildings.

Nothing in the rules shall require or be construed to require regular, periodic inspections of owner-occupied one and two-family dwellings provided, however that this shall not be a limitation on inspections conducted at the invitation of the owner or where conditions on the premises threaten or present a hazard to public health, safety, or welfare.

2. Except as may be provided in regulations of the secretary pursuant to subdivision one of this section, every local government shall administer and enforce the uniform fire prevention and building 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 the uniform code on and after the first day of January next succeeding. In such event the county in which said local government is situated shall administer and enforce the uniform code within such local government from and after the first day of January 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 enacted a local law providing that it will not enforce the uniform code within that county. In such event the secretary in the place and stead of the local government shall, directly or by contract, administer and enforce the uniform code. A local government or a county may repeal a local law which provides that it will not enforce the uniform code and shall thereafter administer and enforce the uniform code as provided above. Local governments may provide for joint administration and enforcement 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 within such local government. Local governments or counties may charge fees to defray the costs of administration and enforcement.

3. On and after the first day of July, nineteen hundred eighty-five, the secretary shall have power to investigate and conduct hearings relative to whether administration and enforcement of the uniform fire prevention and building code complies with the minimum standards promulgated pursuant to subdivision one of this section. At least ten days written notice of any such hearing shall be provided to the elective or appointive chief executive officer or, if there be none, the chairman of the legislative body of the local government or county whose administration and enforcement of the uniform code is at issue.

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

a. The secretary may issue an order compelling compliance by such local government with the standards for administration and enforcement of the uniform code.

b. The secretary may ask the attorney general to institute in the name of the secretary an action or proceeding seeking appropriate legal or equitable relief to require such local government to administer and enforce the uniform code.

c. the secretary may designate the county in which such local government is located to administer and enforce the uniform code in such local government. In the case of such

designation, the provisions of subdivision five of this section shall apply.

d. The secretary may, in the place and stead of the local government, administer and enforce the uniform code in accordance with the minimum standards promulgated pursuant to subdivision one of this section. In such event, the provisions of subdivision five of this section shall apply.

5. Where the secretary has designated a county to administer and enforce the uniform fire prevention and building code within a local government or has assumed authority for administration and enforcement pursuant to subdivision two or paragraph d of subdivision four of this section:

a. Such local government or county government shall not administer and enforce the uniform code, and shall not charge or collect fees for such administration and enforcement.

b. Such county shall administer and enforce the uniform code within such local government from and after the date of such designation. 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 county shall have full power to administer and enforce the uniform code in accordance with such 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 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.

6. The secretary shall study and from time to time make recommendations to the governor and legislature concerning:

a. Appropriate means to provide encouragement, support and inducements for local governments and counties to exercise their responsibilities pursuant to this section; and

b. Appropriate means to provide encouragement, support and inducements to facilitate compliance with the provisions of the uniform code.

Labor Law, §212. Drinking water for farm laborers.

Every grower or processor who employs or uses paid farm or food processing workers, whether or not he uses the services of a farm labor contractor, shall, at his own expense, provide safe drinking water, which may be in a portable container reasonably accessible to each and every site whereat laborers are working.

Labor Law, § 212-a. Migrant registration law.

9. The commissioner may promulgate rules and regulations necessary to carry out the provisions of this section.

Labor Law, §212-b. Farm labor camp commissaries; issuance of permit; renewal, refusal, suspension, and revocation of permit; rules and regulations.

6. The commissioner may promulgate rules and regulations necessary to carry out the provisions of this section.

Labor Law, §212-d. Field sanitation for farm hand workers, farm field workers and farm food processing workers.

1. Every grower or processor who employs or uses paid farm hand workers, farm field workers or farm food processing workers, whether or not he or she uses the services of a farm labor contractor, shall, at his or her own expense, provide or make available to such workers toilet and handwashing facilities, including transportation to such facilities.

2. Where five or more paid farm handworkers, farm field workers or farm food processing workers are employed in one location at the same time, at least one toilet and handwashing facility shall be provided at such location for every twenty workers or fraction thereof. Toilet and handwashing units shall be located together. Such facilities shall be located within a one-quarter mile walk of most hand-laborers or at the closest point that may be accessible by motor vehicle.

3. Where more than twenty paid farm hand workers, farm field workers or farm food processing workers are employed in one location at the same time and fifty or more percent of such workers are women, one toilet shall be designated with appropriate signs for men and one toilet designated with appropriate signs for women. Toilet and handwashing units shall be located together. Such facilities shall be located within a one-quarter mile walk of most hand-laborers.

4. When compliance with the provisions of subdivisions one, two and three of this section is not practicable because of physical or terrain conditions, such toilet and handwashing facilities shall be located at the closest point that may be accessible by motor vehicle.

5. Any violation of this section, shall be a misdemeanor punishable by a fine of not less than five hundred dollars, nor more than one thousand dollars, or up to thirty days imprisonment, or both such fine and imprisonment. Any second or subsequent offense shall be a misdemeanor punishable by a fine of not less than one thousand dollars, nor more than three thousand dollars, or up to sixty days imprisonment, or both such fine and imprisonment.

Public Health Law, §225(5). The sanitary code may:

(m) require that application be made for a permit to operate a farm or food processing labor camp as defined in the sanitary code; authorize appropriate officers or agencies to issue

such a permit when the applicant is in compliance with the established regulations; prescribe standards for living quarters at farm and food processing labor camps, including provisions for sanitary conditions; light, air, and safety; protection from fire hazards; maintenance; and such other matters as may be appropriate for security of life or health, provided however, that the provisions of the sanitary code established pursuant to the provisions hereof shall apply to all farm and food processing labor camps intended to house migrant workers and which are occupied by five or more persons. In the preparation of such regulations, the public health council may request and shall receive technical assistance from the board of standards and appeals of the state department of labor and the state building code commission. Such regulation shall be enforced in the same manner as are other provisions of the sanitary code;

10 NYCRR Part 15 MIGRANT FARMWORKER HOUSING

§15.1 Definitions.

As used in this Part, the following words and terms shall have the indicated meaning:

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(c) Migrant labor camp or migrant farmworker housing shall mean a property which consists of a tract of land and all vehicles, mobile homes, buildings or other structures pertaining thereto, any part of which may be used or occupied by persons employed as migrant farmworkers including sleeping facilities, provided in whole or in part, by the employer of such persons, owner, lessee, or operator thereof, with or without stipulated agreement as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such utility services as are necessary for their habitation of such property.

§15.3 Enforcement.

(a) Permits and placarding. (1) Operation of a migrant farmworker housing facility without a permit is a violation of this Part. The permit-issuing official may order any facility operating without a permit to close and remain closed until a valid permit for operation of the facility is obtained.

(2) The enforcement procedures delineated in sections 12, 12-a, 12-b, 16, 206, 225, 308, 309, 1303-1305, 1308 and 1330 of the Public Health Law shall be used as appropriate. Where a public health hazard is found, the building or portion of the migrant farmworker housing facility constituting the hazard may be placarded to prohibit use until the hazard is corrected in order to protect the public health or safety of the occupants. When a placard is used, it shall be conspicuously posted at each entrance or walkway leading to the portion of the property where the hazard exists. The placard shall state the authority for its placement and indicate that concealment, mutilation, alteration or removal of it by any person without permission of the permit-issuing official shall constitute a violation of this Chapter and the Public Health Law.

(3) As soon as possible and in any event within 15 days after placarding a facility, the operator shall be provided with an opportunity to be heard and present evidence that continued operation of the facility does not constitute a danger to the health or safety of the occupants or the public. The hearing shall be conducted by the permit-issuing official or his designated hearing officer.

(4) The permit-issuing official or his designated representative shall inspect the premises within two working days of notification that the hazard has been eliminated, to remove the placards after verifying correction.

(b) Public health hazards. (1) A public health hazard is any condition which could be reasonably expected to be responsible for illness, physical injury or death.

(2) Any of the following violations are public health hazards which require the permit-issuing official or his designated representative to order immediate correction or to immediately institute action as provided in the law and in this Part:

(i) the condition of the electric service, wiring, or electrical system components is such that an imminent fire or shock hazard exists;

(ii) installation or operation of stoves, including cook stoves, or other heat producing equipment constituting a fire hazard or inadequate venting of fumes;

(iii) failure to provide required fire exits or blockage of a required exit by locking or other obstruction;

(iv) use of construction materials resulting in an imminent fire, or structural safety hazard;

(v) potable water system serving the camp contains contaminants in excess of the levels prescribed in applicable sections of Part 5 of this Title;

(vi) treatment of the camp water system, when required for disinfection or removal of contaminants, is not continuous;

(vii) presence of cross-connections or other faults in the plumbing system which result, or may result in contamination of the potable water supply;

(viii) inadequately treated sewage discharging on the ground surface in an area accessible to camp occupants, or in a manner which may contaminate food service areas, or result in pollution of a ground or surface water supply source;

(ix) storage of hazardous materials, including agricultural chemicals and pesticides, or their containers in a manner which is hazardous to the health or safety of the housing occupants, or contamination of housing by hazardous materials that are hazardous to the health and safety of the housing occupant;

(x) other conditions which constitute a public health hazard.

§15.4 Permit to operate required; application, issuance, revocation, posting, inspections, access.

(b) Application for permit. Application for a permit to operate a migrant farmworker housing facility shall be made by the camp operator using forms provided by the Health Department at least 30 days before the first day of proposed operation of such housing facility. Following the revocation of a permit a new application for a permit must be filed at least 72 hours before resuming operation. Operating permits shall not be transferable or assignable and cannot be issued for a term greater than 12 consecutive months.

12 NYCRR PART 197. REGULATION RELATING TO THE GRANTING OF FARM LABOR CONTRACTOR CERTIFICATES OF REGISTRATION, MIGRANT LABOR REGISTRATION CERTIFICATES, AND FARM LABOR CAMP COMMISSARY PERMITS

§197.3 Applications for permits and certificates.

(a) Application for farm labor contractor certificate of registration. No person shall act as a farm labor contractor unless he holds a valid certificate of registration issued by the commissioner. Any individual seeking to obtain a farm labor contractor certificate of registration shall submit an application on a form prescribed by the commissioner. The application shall be filed with the Industrial Commissioner, or the designee of the Industrial Commissioner at Building 12, State Office Building Campus, Albany, New York 12240. Each application for a farm labor contractor certificate of registration shall be accompanied by completed fingerprint cards supplied by the commissioner.

(b) Application for permit to operate a farm labor camp commissary. No person shall operate a farm labor camp commissary, or cause or allow the operation of a farm labor camp commissary, without a valid permit from the Industrial Commissioner. Any individual seeking to obtain a permit to operate a farm labor camp commissary shall submit an application on a form prescribed by the commissioner. The application shall be filed with the Industrial Commissioner, or the designee of the Industrial Commissioner at Building 12, State Office Building Campus, Albany, New York 12240.

(c) Application for migrant labor registration certificate. Every grower or processor who, without utilizing the services of a farm labor contractor, brings into the State or is responsible for bringing into the State five or more out-of-State migrant farm or food processing workers shall in each instance, prior to the importation of such workers, obtain a certificate of registration issued by the commissioner. Application shall be made on a form prescribed by the commissioner. The application shall be filed with the Industrial Commissioner, or the designee of the Industrial Commissioner, at Building 12, State Office Building Campus, Albany, New York 12240.

§197.4 Issuance, denial and revocation of permits and certificates.

(a) Based on information contained in the application and on the results of investigation and hearing, if a hearing is held, the commissioner shall issue or deny an application for a farm labor contractor certificate, a farm labor camp commissary permit, or a migrant labor certificate.

(b) The commissioner may revoke, suspend or refuse to issue or renew a certificate or permit:

(1) if he finds that the applicant or permit or certificate holder has violated the Labor Law, or has been convicted of any crime or offense related to his activity under the certificate or permit, or involves an unreasonable risk to the safety or welfare of employees or the public, or has made misrepresentations or false statements in his application, or has given false or misleading information to workers who are recruited or hired, or is not a person of good character or responsibility, or is not in fact the real party in interest in any such application or certificate of registration;

(2) upon notification by the State Department of Health that the applicant or permit or

certificate holder has failed to comply with the State sanitary code for migrant labor camps (10 NYCRR Part 15).

(c) The commissioner shall not refuse to issue, nor shall he suspend or revoke, a certificate or permit unless an opportunity to be heard, as provided in section 197.11 of this Part, has been given to the applicant or permit or certificate holder; provided, however, that pending the determination of such hearing the commissioner may temporarily suspend a certificate or permit if, in his opinion, its suspension for such period is necessary to effectuate the purposes of the Labor Law and this Part.

(d) The commissioner or his authorized representative shall have the right to inquire, by investigation or hearing, into the circumstances surrounding the use of the permit or certificate in order that a determination can be made as to the issuance or denial of a certificate or permit. The investigation and hearing may include but shall not be limited to questioning of the applicant and other probable parties of interest. Failure by the applicant to fully disclose other parties of interest shall be sufficient cause for denial of the application.

(e) If a certificate or permit is denied or revoked, the applicant may not submit an application for a new certificate or permit until 24 months have elapsed from the date of the denial or revocation, provided that, for good cause shown, the commissioner may reduce the disqualification period. A previously denied applicant must submit any new application at least 90 days prior to the date when the applicant plans to perform services in New York State.

(f) A farm labor contractor certificate, migrant labor certificate or farm labor camp commissary permit shall be valid from the date of issuance until the following March 30th, unless earlier revoked as provided in subdivision (b) of this section. A certificate or permit may not be assigned or transferred.

19 NYCRR Part 1220 Uniform Fire Prevention and Building Code

§AE102.6 Relocation. Manufactured homes which are relocated shall have a manufacturer's label certifying compliance with applicable Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards and a data plate, affixed in the manufacturing facility, bearing not less than the following information:

§AE102.6.1 The statement: "This manufactured home is designed to comply with the federal mobile home construction and safety standards in force at the time of manufacture."

§AE102.6.2 Reference to the structural zone and wind zone for which the home is designed.

§AE102.6.3 Data relative to the heating and insulation zone and outdoor design temperature.

Exception: Mobile homes manufactured before June 15, 1976 need not comply with these provisions if they have been inspected by an agency or individual acceptable to the code enforcement official to determine that they are:

1. structurally sound;
2. free of heating and electrical system hazards.

Written documentation signed by the agency or individual performing the inspection shall be submitted to the code enforcement official.

