Committee on Fire & Emergency Management

Joshua Kingsley, Senior Counsel

William Hongach, Senior Policy Analyst

Jack Kern, Senior Financial Analyst



**The New York City Council**

Andrea Vazquez, Legislative Director

**Committee Report of the Governmental Affairs Division**

Rachel Cordero Deputy Director, Governmental Affairs

**Committee on Fire and Emergency Management**

Hon. Joann Ariola, Chair

**May 18, 2022**

**Prop. Int. No. 106-A:** By Council Member Hanif, the Public Advocate (Mr. Williams), and Council Members Sanchez, Powers, Feliz, Riley, Yeger, Krishnan, Brannan, Williams, Won, Holden, Farías, Avilés, Ung, Abreu, Richardson Jordan, Gutiérrez, Hanks, De La Rosa, Schulman, Narcisse, Barron, Dinowitz, Nurse, Bottcher, Rivera, Joseph, Brewer, Velázquez, Ossé, Ayala, Cabán and Ariola

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to the sale of electric space heaters

**Administrative Code:** Adds subchapter 14 to chapter 4 of title 20

**Prop. Int. No. 131-A:** By Council Members Sanchez, Hanif, Riley, Yeger, Williams, Won, Holden, Farías, Restler, Ayala, Ung, Abreu, Richardson Jordan, Gutiérrez, Krishnan, Hanks, De La Rosa, Schulman, Narcisse, Barron, Dinowitz, Bottcher, Rivera, Menin, Ossé, Cabán  and Ariola

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to conduct residential education and outreach regarding the safe operation of electric space heaters

**Administrative Code:** Amends section 15-132

1. **Introduction**

On May 18, 2022, the Committee on Fire and Emergency Management, chaired by Council Member Joann Ariola, will vote on two pieces of legislation: Prop. Int. No. 106-A, in relation to the sale of electric space heaters; and Prop. Int. No. 131-A, in relation to requiring the fire department to conduct residential education and outreach regarding the safe operation of electric space heaters. The Committee previously heard these bills on April 6, 2022 and received testimony from the New York City Fire Department (“FDNY”), the Department of Housing Preservation and Development (“HPD”), the Department of Buildings (“DOB”), as well as real estate representatives, tenant advocates and other interested members of the public.

1. **Background**

Electric space heaters are electrically powered appliances used to provide heat, usually as a supplement to the heat provided via building heating systems. In New York City, residential building tenants sometimes rely on space heaters to provide heat when a building owner fails to provide adequate heating, or personal preferences lead tenants to seek additional heating sources during cold weather. NYC Health data indicates that on average, 13% of households rely on supplemental heating sources; with greater than 20% of households in certain high poverty neighborhoods relying on supplemental heating sources.[[1]](#footnote-1)

The United States Consumer Product Safety Commission (“CPSC”) estimates that electric space heaters are involved in about 1,700 fires per year, resulting in about 80 deaths and 160 injuries annually.[[2]](#footnote-2) According to the National Fire Prevention Association, space heaters account for 80% of heating-fire deaths each year.[[3]](#footnote-3) Recently, a deadly fire in the Bronx killed 17 people, including 8 children; and was started by an electric space heater malfunction after the device was left running for days-on-end.[[4]](#footnote-4) A 2021 Queens fire-related death was potentially attributable to space heater usage[[5]](#footnote-5); and similar incidents have been reported in Boston and Chicago. Additional risks are posed by potential space heater overheating and causing death by hyperthermia, with CPSC reporting five such incidents caused by space heaters that did not have automatic functions to disable the device upon overheating.[[6]](#footnote-6)

To mitigate the fire risk posed by indoor use of electric space heaters, most commercially available models are equipped with thermostats and safety features that disable the device following overheating or tip-over. These features are referenced in voluntary safety standards established by Underwriter Labs (“UL”), a nationally recognized testing laboratory. UL safety standards require portable space heaters to meet tip-over testing that simulates overturning of the device without resulting in heightened fire risk. The UL standards do not specify design; however, instead they indicate that safety features in compliance with tip-over tests could involve (a) lowering the temperature of the heating element, or (b) shutting off the device.[[7]](#footnote-7) Additionally, UL general operating standard tests require portable space heating devices to have temperature-limiting control that interrupts power to reduce temperature as not to exceed 347° F.[[8]](#footnote-8)

1. **Bill Analysis**

*Int. No. 106-A*

 This legislation would prohibit the sale of portable electric space heaters without certain safety features that are designed to mitigate the fire risk posed by operation of such devices. Specifically, any such device would have to be equipped with a thermostat, an automatic function that disables the device upon tip-over or overheating, and be certified by a nationally recognized testing laboratory. This prohibition would take effect 120 days after it becomes law.

Since introduction, the bill has been amended as follows. First, a definition of electric space heater was added for improved clarity. Additionally, for ease of enforcement, provisions were added to require that device packaging discloses relevant safety features as required by the law. Finally, a penalty scheme was added to the legislation that would establish a zero-dollar penalty for first offenses, and escalating penalties for subsequent violations.

*Int. No. 131-A*

 This legislation would amend current requirements relating to the FDNY’s efforts to conduct fire safety education and outreach for residential buildings, by requiring that such activities include dissemination of relevant information pertaining to the safe operation of electric space heaters in residential settings. This law would take effect immediately.

 Since introduction, the legislation has been amended by adding a provision to require that any written materials disseminated by FDNY pertaining to fire safety education must be made available in the top ten languages most commonly spoken within the City.

**PAGE INTENTIONALLY LEFT BLANK**

Prop. Int. No. 106-A

By Council Member Hanif, the Public Advocate (Mr. Williams), and Council Members Sanchez, Powers, Feliz, Riley, Yeger, Krishnan, Brannan, Williams, Won, Holden, Farías, Avilés, Ung, Abreu, Richardson Jordan, Gutiérrez, Hanks, De La Rosa, Schulman, Narcisse, Barron, Dinowitz, Nurse, Bottcher, Rivera, Joseph, Brewer, Velázquez, Ossé, Ayala, Cabán and Ariola

..Title

A Local Law to amend the administrative code of the city of New York, in relation to the sale of electric space heaters

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 14 to read as follows:

SUBCHAPTER 14

SPACE HEATERS

 § 20-699.10 Definitions. For purposes of this subchapter, the following terms have the following meanings:

 Electric space heater. The term “electric space heater” means any electric portable device designed for space heating.

 Stock keeping unit. The term “stock keeping unit” means each group of items offered for sale of the same brand name, quantity of contents, retail price and variety.

 § 20-699.11 Sale of electric space heaters. a. No person shall distribute, sell or offer for sale an electric space heater unless such electric space heater:

 1. Is equipped with a thermostat and such thermostat is disclosed on packaging for such space heater;

 2. Is equipped with an automatic function that disables such space heater upon overheating or tipping over and such automatic function is disclosed on packaging for such space heater;

 3. Has been listed and labeled by a nationally recognized testing laboratory or other approved organization, as required by section 605.10.1 of the New York city fire code and such labeling is disclosed on packaging for such space heater.

 b. Penalty. A person who violates subdivision a of this section or any rule promulgated thereunder is liable for a civil penalty as follows:

 1. For the first violation, a civil penalty of zero dollars; and

 2. For any subsequent violations issued for the same offense within a period of two years of the date of a first violation, a civil penalty of not more than one thousand dollars.

 c. Each failure to comply with subdivision a of this section with respect to any one stock keeping unit constitutes a separate violation.

 § 2. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Prop. Int. No. 131-A

By Council Members Sanchez, Hanif, Riley, Yeger, Williams, Won, Holden, Farías, Restler, Ayala, Ung, Abreu, Richardson Jordan, Gutiérrez, Krishnan, Hanks, De La Rosa, Schulman, Narcisse, Barron, Dinowitz, Bottcher, Rivera, Menin, Ossé, Cabán and Ariola

..Title

A Local Law to amend the administrative code of the city of New York, in relation to requiring the fire department to conduct residential education and outreach regarding the safe operation of electric space heaters

..Body

Be it enacted by the Council as follows:

 Section 1. Subdivision a of section 15-132 of the administrative code of the city of New York, as added by local law number 110 for the year 2018, is amended to read as follows:

 § 15-132 Residential education and outreach. a. The department shall make a good faith effort to directly contact owners and occupants of R-2 multiple dwellings to ensure that appropriate fire safety procedures, resources, and educational materials are in place. These efforts shall include, where appropriate, (i) ensuring compliance with fire code section 401.6 and applicable department rules relating to owners providing notice to occupants of fire safety measures, (ii) providing fire safety and fire prevention educational materials, [and] (iii) providing relevant training to staff at such dwellings, and (iv) providing educational materials and conducting outreach relating to the safe operation of electric space heaters in residential settings. Any written materials disseminated by the department pertaining to fire safety education shall be made available in the top ten languages most commonly spoken within the city as determined by the department of city planning.

 § 2. This local law takes effect immediately.

1. NYC Department of Health, *Environment and Health Data Portal*; available at: <https://a816-dohbesp.nyc.gov/IndicatorPublic/VisualizationData.aspx?id=47,719b87,36,ChartOverTime,Boroughs,Percent> [↑](#footnote-ref-1)
2. United State Consumer Product Safety Commission, *2016-2018 Residential Fire Loss Estimates*; available at: <https://cpsc-d8-media-prod.s3.amazonaws.com/s3fs-public/2016-to-2018-Residential-Fire-Loss-Estimates-Final_0.pdf>. [↑](#footnote-ref-2)
3. Architectural Digest, *Deadly NYC Fire Underscores the Danger Posed by Space Heaters*, Jan. 11, 2022; available at: <https://www.architecturaldigest.com/story/space-heaters-bronx-fire>. [↑](#footnote-ref-3)
4. NY Post, *Space Heater Blamed for Deadly Bronx Fire had Been Left on For Days*, Jan. 11, 2022; available at: <https://nypost.com/2022/01/11/bronx-fire-space-heater-blamed-for-blaze-had-been-left-on-for-days-sources-say/>. [↑](#footnote-ref-4)
5. NY Daily News, *86-year-old Man Found Dead in Queens Home, Space Heater Could be to Blame;* available at: <https://www.nydailynews.com/new-york/nyc-crime/ny-nyc-man-dead-space-heater-20210219-cjhzm63mf5ey3eypubi6bpkwty-story.html>. [↑](#footnote-ref-5)
6. See United State Consumer Product Safety Commission (CPSC), *A Preliminary Analysis of Hyperthermia Deaths Associated with Electric Room and Space Heaters*, Sec. 5.1, March 2019; available at: <https://www.cpsc.gov/s3fs-public/A_Preliminary_Analysis_of_Hyperthermia_Deaths_Associated_with_Electric_Room_and_Space_Heaters.pdf?0DlebfJqpPu3lAC7YYoKSNeMHXWxgGCC> [↑](#footnote-ref-6)
7. See UL 1278; Underwriter Labs Electric Space Heater Tip-over Protections; available at: <https://code-authorities.ul.com/wp-content/uploads/2014/04/ul_ElectricHeaterTipoverProtection.pdf>. [↑](#footnote-ref-7)
8. See UL 1278; see CPSC -- Sec. 5.1 “Voluntary Standards for Space and Room Heaters.” available at: <https://www.cpsc.gov/s3fs-public/A_Preliminary_Analysis_of_Hyperthermia_Deaths_Associated_with_Electric_Room_and_Space_Heaters.pdf?0DlebfJqpPu3lAC7YYoKSNeMHXWxgGCC> [↑](#footnote-ref-8)