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Int. No. 964

By Council Members Levine, Brannan, Holden and Koslowitz

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to requiring smoke detecting devices and carbon monoxide detecting devices in certain dwellings and common areas

Be it enacted by the Council as follows:

Section 1. Section 27-2045 of the administrative code of the city of New York, as amended by local law number 157 for the year 2016, is amended to read as follows:

§ 27-2045 Duties of owner and occupant with respect to installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices.

a. As used in this section:

Class A multiple dwelling. The term “class A multiple dwelling” means a class A multiple dwelling as

defined in paragraph 8 of subdivision a of section 27-2004, except that such term shall include garden-type maisonette dwellings constructed before April 18, 1954.

Garden-type maisonette dwelling. The term "garden-type maisonette dwelling" means a dwelling project consisting of a series of dwelling units that, together and in their aggregate, are arranged or designed to provide three or more apartments; are provided as a group collectively with all essential services such as, but not limited to, house sewers and heat; and are operated as a unit under single ownership, notwithstanding that certificates of occupancy were issued for portions thereof as private dwellings, as such term is defined in paragraph 6 of subdivision a of section 27-2004.

[Private dwelling. The term "private dwelling" means a dwelling unit in a one-family or two-family home that is occupied by a person or persons other than the owner of such unit or the owner's family.]

b. The owner of a class A multiple dwelling, class B multiple dwelling or private dwelling shall:

1. (a) Provide and install one or more approved and operational smoke detecting devices in each dwelling unit and any common area of the building as defined in section 27-2056.2 in accordance with section 907.2 of the New York city building code or sections 27-978, 27-979, 27-980 and 27-981 of the 1968 building code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned smoke detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings[, except that this paragraph shall not apply to private dwellings];

(b) Provide and install one or more approved and operational carbon monoxide detecting devices in each dwelling unit and any common area of the building as defined in section 27-2056.2 in accordance with section 908.7 of the New York city building code or sections 27-981.1, 27-981.2 and 27-981.3 of the 1968 building code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned carbon monoxide detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings or by the

commissioner in consultation with the department of buildings and the fire department;

(c) Provide and install one or more approved and operational natural gas detecting devices in accordance with section 908.10 of the New York city building code or section 28-315.2.3 of the code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned natural gas detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings or by the commissioner in consultation with the department of buildings and the fire department;

2. Periodically replace any device required under paragraph 1 of this subdivision upon expiration of its useful life in accordance with article 312 of title 28 of the code;

3. (a) For a class A multiple dwelling or private dwelling, replace any such device that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the dwelling unit and that has not been replaced by the prior occupant before commencement of a new occupancy of such dwelling unit [, except that this paragraph shall not apply to smoke detecting devices in private dwellings];

(b) For a class B multiple dwelling, replace any such device that has been stolen, removed, found missing or rendered inoperable before commencement of a new occupancy of such dwelling unit;

4. Where any such device becomes inoperable within one year after installation due to a defect in the manufacture of such device and through no fault of the occupant of such dwelling unit, replace such device within 30 calendar days after receiving written notice that such device is inoperable, except that this paragraph shall not apply to class B multiple dwellings [or smoke detecting devices in private dwellings];

5. Post a notice in a form approved by the commissioner in a common area of the building or, for private dwellings, provide to the occupants thereof a notice, indicating that (i) the owner is required by law to install such devices and to periodically replace such devices upon the expiration of their useful life, and (ii) each occupant is responsible for the maintenance and repair of such devices that are battery-operated and within such occupant’s dwelling unit and for replacing, in accordance with article 312 of title 28 of the code, any or all

such devices which are stolen, removed, found missing or rendered inoperable during such occupant's occupancy of such dwelling unit, except that this paragraph shall not apply to class B multiple dwellings [or smoke detecting devices in private dwellings];

6. Provide to at least one adult occupant of such dwelling unit information relating to (i) the risks posed by carbon monoxide poisoning and, if natural gas detecting devices are required to be installed in such dwelling unit by rules promulgated by the commissioner of buildings, the risks posed by natural gas leaks, (ii) the testing and maintenance of smoke detecting devices, carbon monoxide detecting devices and, if natural gas detecting devices are required to be installed in such dwelling unit by rules promulgated by the commissioner of buildings, natural gas detecting devices, (iii) what to do if such devices alert, (iv) the useful life of such devices, (v) the owner's duty to replace such devices pursuant to article 312 of title 28 and (vi) the occupant's duty to maintain and repair such devices that are battery-operated and within such occupant's dwelling unit and replace any or all such devices within such dwelling unit that are stolen, removed, found missing or rendered inoperable during such occupant's occupancy of such dwelling unit; provided that the information provided in accordance with this paragraph may include material that is distributed by the manufacturer or material prepared or approved by the department of buildings; except that this paragraph shall not apply to class B multiple dwellings [or smoke detecting devices in private dwellings]; and

7. Keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices in the dwelling, including the manufacturer's suggested useful life of such devices and records showing that such devices meet the requirements of all applicable laws and rules, and make such records available to the commissioner upon request.

c. Notwithstanding the provisions of subdivision a of section 27-2005 and subdivision c of section 27-2006, the occupant of each dwelling unit in a class A multiple dwelling or private dwelling in which a device required by paragraph 1 of subdivision b of this section has been provided and installed shall:

1. Keep and maintain such device in good repair; and

2. Replace such device if it is stolen, removed, found missing or rendered inoperable during the occupant's occupancy of such dwelling unit.

d. It shall be unlawful for any person to tamper with or render inoperable a required smoke detecting device, carbon monoxide detecting device or natural gas detecting device, except to replace the batteries of such device or for other maintenance purposes.

e. The occupant of a dwelling unit within a class A multiple dwelling or private dwelling in which a battery-operated smoke detecting device, carbon monoxide detecting device or natural gas detecting device is newly installed, or installed to replace a device that has exceeded the manufacturer's useful life or that has been lost or damaged by such occupant or installed as a result of such occupant's failure to maintain such device, shall reimburse the owner for the cost of providing and installing such device an amount not to exceed (i) $25 for each smoke detecting device, carbon monoxide detecting device or natural gas detecting device, (ii) $50 for each combined smoke and carbon monoxide detecting device, combined smoke and natural gas detecting device or combined carbon monoxide and natural gas detecting device and (iii) $75 for each combined smoke, carbon monoxide and natural gas detecting device.

f. This section may be enforced by the department, the department of buildings, the fire department and the department of health and mental hygiene.

§ 2. Section 907.2.9 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

907.2.9 Group R-2. A fire alarm system without alarm notification appliances and smoke alarms shall be installed in accordance with this section in Group R-2 occupancies, other than student apartments, where such occupancy satisfies any one of the following conditions:

1. Any dwelling unit is located three or more stories above the lowest level of exit discharge, including dwelling units in penthouses of any area;

2. Any dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit; or

3. The building contains more than 16 dwelling units.

Actuation of smoke detectors shall not initiate a signal to alarm notification appliances. The activation of any detector required by this section shall initiate a signal at a central supervising station or a constantly attended location. Smoke detectors shall be located as follows:

1. In each mechanical equipment, electrical, transformer, telephone equipment or similar room, greater than 75 square feet (6.96 m^2) in area.

2. In air distribution systems in accordance with Section 606 of the *New York City Mechanical Code*.

3. In elevator machine rooms and in elevator lobbies.

4. In any common area of the building as defined in Section 27-2056.2 of the Administrative Code.

§ 3. Title 28 of the administrative code of the city of New York is amended by adding new sections 28-315.2.5, 28-315.2.6 and 28-315.2.7 to read as follows:

§ 28-315.2.5 Smoke detecting devices for occupant group R-3. All dwelling units within occupancy group R-3 shall be equipped with approved and operational smoke detecting devices in accordance with section 907.2.11.1 of the New York city building code.

Exception: Dwelling units which contain operational automatic wet sprinkler systems pursuant to article four of subchapter 17 of title 27 of the code.

§ 28-315.2.6 Smoke detecting devices for occupancy group R-2 common areas. Common areas in spaces classified in occupancy group R-2 shall be equipped with approved and operational smoke detecting devices in accordance with section 907.2.9 of the New York city building code.

§ 28-315.2.7 Carbon monoxide detecting devices for occupancy group R-2 common areas. Common areas in spaces classified in occupancy group R-2 shall be equipped with approved and operation carbon monoxide detecting devices in accordance with section 908.7.1.1.2 of the New York city building code.

§ 4. Section 908.7 of the New York city building code, as amended by local law number 10 for the year 2014, is amended by renumbering section 908.7.1.1.2 and 908.7.1.1.3 as section 908.7.1.1.3 and section 908.7.1.1.4 and by adding a new section 908.7.1.1.2 to read as follows:

908.7.1.1.2 Required locations outside dwelling units. For buildings within occupancy group R-2 where carbon monoxide alarm or detectors are required under section 908.7.1.1, carbon monoxide alarms or detectors shall be located in any common area of the building as defined in Section 27-2056.2 of the Administrative Code.

§ 5. This local law takes local law takes effect on the same date that sections two through eight of local law number 157 for the year 2016 takes effect, except that the commissioner of buildings and the commissioner

of housing preservation and development may take such measures as are necessary for the implementation of such sections, including the promulgation of rules, before such effective date.

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