

DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT

NOTICE OF ADOPTION

NOTICE IS HEREBY GIVEN that pursuant to section 1043 of the New York City Charter, the Department of Housing Preservation and Development hereby adopts rules implementing amendments to Administrative Code §§27-2045 and 27-2046 requiring installation of smoke alarms. The proposed amendments to the rules were published in the City Record on January 22, 2014. A public hearing was held on February 25, 2014.

Statement of Basis and Purpose of the Adopted Rule

The rule implements amendments to Administrative Code §§ 27-2045 and 27-2046 which require owners of residential dwellings to install smoke detectors in dwelling units. The amendments require that all smoke detectors installed after the effective date of the law be the type that uses a non-removable, non-replaceable battery that powers the alarm for a minimum of ten years, and which sounds an audible notification at the end of the useful life of the alarm. The law requires that where a smoke alarm was installed prior to the effective date and the useful life of the alarm is not known, that it be replaced with the newly required model within seven years of the effective date of the law. The law further permits an owner to collect a maximum of twenty-five dollars, or a maximum of fifty dollars where a combined smoke and carbon monoxide detecting device is installed for the cost of providing and installing each device. The occupant has one year from the date of the installation to make the reimbursement.

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

New material in the following rule is underlined, deleted material is in [brackets].

This rule implements particular standards set forth in a newly enacted local law with only minor exercise of the agency’s discretion. Pursuant to section 1043(d)(4)(iv), the analysis required by Section 1043(d) of the Charter was not performed.

Section one. Section 12-01 of Chapter 12 of Title 28 of the Rules of the City of New York is amended to read as follows:

§12-01 Owner Responsibilities for Smoke Detecting Devices for Class A Multiple Dwellings.

Pursuant to §27-2045 of the Administrative Code of the City of New York, the owner of a Class A multiple dwelling which is required to be equipped with smoke detecting devices pursuant to [Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York] 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 shall:

(a) Provide and install one or more approved and operational smoke detecting devices in each dwelling unit [as prescribed in the rules and regulations relating to smoke detecting devices and systems of the Department of Buildings] and replace such devices in accordance with article

312 of chapter 3 of title 28 of the administrative code of the city of New York in locations specified in reference standard 17-12 of the 1968 building code or section 907.2.10 of the New York city building code, as applicable.

(b) Post a notice in a form approved by the Commissioner of the Department of Housing Preservation and Development in a common area of the building, readily visible and preferably in the area of the inspection certificate, informing the occupants of such building that the owner is required by law to install one or more approved and operational smoke detecting devices in each dwelling unit in the building and to periodically replace such devices upon the expiration of their useful life in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York, and that each occupant is responsible for the maintenance and repair of such devices and for replacing any or all such devices which are stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit with a device meeting the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York. In addition, the notice should state that the occupant of a dwelling unit in which a battery-operated smoke detecting device is provided and installed shall reimburse the owner a maximum of [ten] twenty-five dollars or a maximum of fifty dollars where a combined smoke and carbon monoxide detecting device is installed, for the cost of providing and installing each such device. The occupant shall have one year from the date of installation to make such reimbursement. A sample of an approved notice is attached and made part of these regulations.

(c) The notice in §12-01(b) above:

- (1) shall have letters not less than three-sixteenths of an inch in height;
- (2) the lettering of the notice shall be of bold type and shall be properly spaced to provide good legibility and the background shall be of contrasting colors;
- (3) the notice shall be durable and shall be substantially secured to the common area where posted;
- (4) the notice shall be of metal, plastic, or decal;
- (5) lighting shall be sufficient to make the notice easily legible.

(d) Replace any smoke detecting device which has been stolen, removed, missing or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit with a device meeting the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York.

(e) Replace within thirty calendar days after the receipt of written notice any such device which becomes inoperable within one year of the installation of such device and through no fault of the occupant of the dwelling unit.

(f) Keep the following records, on the premises unless specifically exempted, relating to the installation and maintenance of smoke detecting devices in the building:

- (1) date notice posted pursuant to §12-01(b) of this chapter;
- (2) date of installation of each smoke detecting device;
- (3) whether the smoke detecting device receives its primary power from the building wiring or whether it is a battery-operated device;
- (4) apartment number and location within apartment where device installed;
- (5) date device tested to see if it is in operable condition;
- (6) maintenance work performed on device;
- (7) date tenant requested replacement/repair;
- (8) file a certification of satisfactory installation within 10 days after completion with the Department of Housing Preservation and Development, Borough Division of Code Enforcement. This certification shall be set forth on a form available at the HPD Borough Office.

[A sample for the keeping the above records is attached and made a part of these regulations.] These records must be made available to the Commissioner of the Department of Housing Preservation and Development upon request.

Section 12-02 of Chapter 12 of Title 28 of the Rules of the City of New York is amended to read as follows

§12-02 Occupant Responsibilities for Smoke Detecting Devices for Class A Multiple Dwellings.

Pursuant to §[27-2045(2)] 27-2045(b) of the Administrative Code of the City of New York it shall be the sole duty of the occupant of each unit in a Class A multiple dwelling in which a smoke detecting device has been provided and installed by the owner pursuant to 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 to:

(a) keep and maintain such device in good repair; and
(b) replace any and all devices which are either stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit with a device meeting the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York.

Note: Except as provided in §12-01(d) and (e) above and article 312 of chapter 3 of title 28 of the administrative code of the city of New York, an owner of a Class A multiple dwelling who has provided and installed a smoke detecting device in a dwelling unit shall not be required to keep and maintain such device in good repair or to replace any such device which is stolen, removed, missing or rendered inoperable during the occupancy of such dwelling unit. In addition, the occupant of a dwelling unit in which a battery-operated smoke detecting device is provided and installed shall reimburse the owner a maximum of [ten] twenty-five dollars or a maximum of fifty dollars where a combined smoke and carbon monoxide detecting devices is installed, for the cost of providing and installing each such device. The occupant shall have one year from the date of installation to make such reimbursement.

Section 12-03 of Chapter 12 of Title 28 of the Rules of the City of New York is amended to read as follows:

§12-03 Owner Responsibilities for Smoke Detecting Devices for Class B Multiple Dwellings.

Pursuant to §27-2046 of the Administrative Code of the City of New York the owner of a Class B multiple dwelling which is required to be equipped with smoke detecting devices pursuant to [Article 6 of Subchapter 17 of Chapter 1 of Title 27 of the Administrative Code of the City of New York] 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 shall:

(a) Provide and install one or more approved and operational smoke detecting devices in each dwelling unit or, in the alternative, provide and install a line-operated zoned smoke detecting system with central office tie-in for all public corridors and public spaces pursuant to rules and regulations promulgated by the Commissioner of the Department of Buildings.

(b) Keep and maintain smoke detecting devices in good repair and replace such devices in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York.

(c) Replace any smoke detecting device which has been stolen, removed, missing or rendered inoperable prior to the commencement of a new occupancy of a dwelling unit in accordance with article 312 of chapter 3 of title 28 of the administrative code of the city of New York.

(d) Keep the following records, on the premises unless specifically exempted, relating to the installation and maintenance of smoke detecting devices in the buildings:

(1) date of installation of each smoke detecting device;

(2) whether the smoke detecting device receives its primary power from the building wiring or whether it is a battery operated device or in the alternative whether it is a line operated zoned smoke detecting system with central annunciation and central tie-in for all public corridors and public spaces;

(3) room number and location within room where each smoke detecting device is installed;

(4) date device was tested to see if in operable condition;

(5) maintenance performed on each device;

(6) file a certification of satisfactory installation within 10 days after completion with the Department of Housing Preservation and Development, Borough Division of Code Enforcement. This certification shall be set forth on a form available at the HPD Borough Office.

§12-04 Form for [Records or] Notices for Smoke Detecting Devices.

[A sample form for keeping the above records is attached and made a part of this chapter. These records must be made available to the Commissioner of the Department of Housing Preservation and Development upon request.] A sample notice as required by §12-01(b) of these rules follows:

NOTICE

The owner, _____

of this building located at _____

is required by law to post this notice advising tenants that the owner is required by law to provide and install one or more approved and operational smoke detectors in each apartment in this building and to periodically replace such devices upon the expiration of their useful life in accordance with article 312 of chapter 3 of title 28 of the New York City Administrative Code. The law further makes the tenant of each apartment responsible for the maintenance and repair of the detectors installed in the apartment and for replacing any or all detectors which are stolen, removed, missing or become inoperable during the occupancy of the apartment with a device meeting the requirements of article 312 of chapter 3 of title 28 of the Administrative Code. The law also provides that the tenant of each Class A apartment in the building in which a battery-operated smoke detector is provided and installed shall pay the owner a maximum of [ten dollars (\$10.00)] twenty-five dollars or a maximum of fifty dollars where a combined smoke and carbon monoxide detecting device is installed for the cost of providing and installing each detector. The tenant has one (1) year from the date of installation to make such payment to the owner.