

HPD COMMISSIONER'S INTERPRETATION NO. 1
(Effective December 23, 1981)

§§C26-1705, D26-20.08 and D26-20.09 of the Administrative Code (Smoke Detecting Devices) - Duty of owner where tenants installs smoke detecting devices.

An owner requests advice as to his duty where a tenant installs a smoke detecting device in a dwelling unit required to be equipped with such devices by these sections of the Administrative Code.

The relevant sections of the Administrative Code and the HPD Regulations promulgated pursuant thereto on September 29, 1981 impose a duty upon owners of the covered dwelling units specified therein to provide and install at least one approved and operational smoke detecting device in each such dwelling unit. No exception or release of the obligation is expressly contained therein where someone other than the owner installs or elects to install an approved and operational smoke detecting device in the manner prescribed by law.

The intent of this law is to provide for the protection and safety of tenants in the case of fire related conditions in their dwelling units. The primary responsibility for implementing this law is clearly placed upon the owner. However, the Commissioner finds that it is not inconsistent with the purposes of the law to qualify the duties of owners where approved and operational smoke detecting devices are installed by persons other than the owner. The Commissioner is aware, for example, that the New York City Fire Department has undertaken a program to install such devices in dwelling units occupied by senior citizens. Also, tenants may prefer to install or may have already installed their own choice of device.

The Commissioner therefore finds that where an approved and operational smoke detecting device is installed by someone other than an owner, the owner shall have a duty to inspect and certify to HPD the satisfactory installation of a smoke detecting device as prescribed by the HPD Regulations promulgated on September 29, 1981. He shall not be required to install a separate device under these circumstances.


Anthony J. McGman, Commissioner

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