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
install 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 Administra-
tive 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 speci-
fied 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 contain-
ed 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 imple-
menting 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 under-
taken a program to install such devices in dwelling units occu-
pied 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 detect-
ing 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 Friedman, Commissioner