

**Below are the Department of Housing Preservation and Development Rules related to smoke detectors and carbon monoxide detectors. Be advised that additional rules related to the provision of these devices can be found in the New York City Building Code as referenced.**

## **CHAPTER 12 SMOKE DETECTING AND CARBON MONOXIDE DETECTING DEVICES**

### **§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 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 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 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.

These records must be made available to the Commissioner of the Department of Housing Preservation and Development upon request.

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

Pursuant to §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 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.

**§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 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 of Smoke Detecting Devices.**

A sample notice as required by §12-01(b) of these rules follows:

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## 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 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.

### **§12-05 Definitions.**

For the purposes of this chapter

- (a) CO means carbon monoxide; and
- (b) CO alarm means a "carbon monoxide alarm" as defined in 1 RCNY Chapter 28 and shall also mean a "carbon monoxide detecting device" as such term is used in subchapter 7 of chapter 1 and subchapter 2 of chapter 2 of title 27 of the administrative code of the city of New York, and section 902.1 of the building code

### **§12-06 Owner Responsibilities for CO Alarms for Class A Multiple Dwellings.**

Pursuant to §27-2046.1 of the administrative code of the city of New York, the owner of a Class A multiple dwelling that is required to be equipped with carbon monoxide detecting devices pursuant to 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, and as prescribed by the Department of Buildings ("DOB") pursuant to chapter 28 of title 1 of the rules of the city of New York shall comply with the following requirements:

(a) Provide and install one or more approved and operational CO alarms in each dwelling unit, provided that there shall be installed at least one approved and operational CO alarm within 15 feet of the primary entrance to each room lawfully used for sleeping purposes, and replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code;

(b) Post a notice in a form approved by the Commissioner of the Department of Housing Preservation and Development ("HPD" or "the Department") in a common area of a Class A multiple dwelling, readily visible and preferably in the area of the inspection certificate informing the occupants of such building that:

(1) the owner is required by law to install one or more approved and operational CO alarm in each dwelling unit in the building within 15 feet of the primary entrance to each room lawfully used for sleeping purposes and to periodically replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code;

(2) each occupant is responsible for the maintenance and repair of such alarms and for replacing any or all such alarms that are stolen, removed, missing, or rendered inoperable during the occupancy of such dwelling unit; and

(3) the occupant of a dwelling unit in which a CO alarm is newly installed or in which a CO alarm is installed by the owner as a result of such occupant's failure to maintain such alarm or where such alarm has been lost or damaged by such occupant, or where such alarm is replaced upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code, shall reimburse the owner in the amount of \$25.00 per device for the cost of such work, and such occupant shall have one year from the date of installation to make such reimbursement.

(4) An owner may choose to post a single notice that complies with this provision as well as the provisions of 28 RCNY §12-01(b).

(5) The notice required by this subdivision shall conform with the following requirements:

(i) the notice shall have letters not less than three-sixteenths of an inch in height;

(ii) 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;

(iii) the notice shall be durable and shall be substantially secured to the common area where posted;

(iv) the notice shall be of metal, plastic, or decal;

(v) lighting shall be sufficient to make the notice easily legible; and

(c) Replace any CO alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant before the commencement of a new occupancy of the dwelling unit and replace such alarm upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code;

(d) Replace within 30 calendar days after receipt of written notice any such alarm that becomes inoperable within one year of the installation of such alarm due to a defect in the manufacture of such alarm through no fault of the occupant of the dwelling unit;

(e) Provide written information regarding the testing and maintenance of CO alarms to at least one adult occupant of each dwelling unit, including, but not limited to, general information concerning carbon monoxide poisoning and what to do if a CO alarm goes off, that CO alarms have a useful life limitation and that the owner has a duty to replace such alarms upon the expiration of such useful life. Such information may include material that is distributed by the manufacturer or any material prepared or approved by DOB and shall be provided at the time of installation;

(f) Keep the following records, on the premises or in the business office of the owner or managing agent, relating to the installation and maintenance of CO alarms in the building:

(1) date notice posted pursuant to §12-06(b) of this chapter;

(2) date of installation of each CO alarm and the expiration date of the useful life of such alarm;

(3) whether each CO alarm receives its primary power from the building wiring with secondary battery back-up, is a battery-operated alarm, or is a plug-in type CO alarm with a back-up battery;

(4) apartment number and location within apartment where each alarm was installed;

(5) date each alarm tested to determine if it is in operable condition;

(6) maintenance work performed on each alarm; and

(7) date occupant requested replacement/repair.

These records must be made available to HPD, DOB, the Fire Department, or the Department of Health and Mental Hygiene ("DOHMH") upon request; and

(g) File a certification of satisfactory installation electronically, or using a form available at each HPD Borough Office location after the first replacement of a new CO alarm that complies with §§28-312.1 and 28-312.2 of the administrative code, and within 10 days after completion for each subsequent installation of a CO alarm. An owner must have a current, valid property registration on file for the property in order to file a certification of satisfactory installation.

#### **§12-07 Owner Responsibilities for CO Alarms for Private Dwellings.**

Pursuant to §27-2046.1 of the administrative code of the city of New York, the owner of a private dwelling that is required to be equipped with CO alarms pursuant to 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 and as prescribed by DOB pursuant to chapter 28 of title 1 of the rules of the city of New York shall comply with the following requirements:

(a) Provide and install one or more approved and operational CO alarm in each dwelling unit, provided that there shall be installed at least one approved and operational CO alarm within 15 feet of the primary entrance to each room lawfully used for sleeping as prescribed in the DOB rules and regulations relating to CO alarms, and replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code;

(b) For purposes of (c) through (g) of this section, "private dwelling" shall mean 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

(c) Provide notice in a form approved by the Department to the occupants of such dwelling that:

(1) the owner is required by law to install an approved and operational CO alarm in each dwelling or dwelling unit in the building, within 15 feet of the primary entrance to each room lawfully used for sleeping and to periodically replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code;

(2) each occupant is responsible for the maintenance and repair of such alarms and for replacing any or all such alarms that are stolen, removed, missing, or rendered inoperable during the occupancy of such dwelling or dwelling unit; and

(3) the occupant of a dwelling or dwelling unit in which a CO alarm is newly installed, or in which a CO alarm is installed by the owner as a result of such occupant's failure to

maintain such alarm, or where such alarm has been lost or damaged by such occupant or where such alarm is replaced upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code, shall reimburse the owner in the amount of \$25.00 per alarm for the cost of such work, and the occupant shall have one year from the date of installation to make such reimbursement;

(d) Replace any CO alarm that has been stolen, removed, found missing, or rendered inoperable during a prior occupancy of the dwelling or dwelling unit and that has not been replaced by the prior occupant before commencement of a new occupancy of the dwelling or dwelling unit;

(e) Replace within 30 calendar days after receipt of written notice any such alarm that becomes inoperable within one year of the installation of such alarm due to a defect in the manufacture of such alarm through no fault of the occupant of the dwelling or dwelling unit;

(f) Provide written information regarding the testing and maintenance of CO alarms to at least one adult occupant of each dwelling or dwelling unit, including, but not limited to, general information concerning carbon monoxide poisoning and what to do if a CO alarm goes off and that CO alarms have a useful life limitation and that the owner has a duty to replace such alarms upon the expiration of such useful life. Such information may include material that is distributed by the manufacturer or any material prepared or approved by DOB and shall be provided at the time of installation; and

(g) Keep the following records relating to the installation and maintenance of CO alarms in the dwelling or dwelling unit:

(1) date of installation of each CO alarm and the expiration date of the useful life of such alarm;

(2) whether each CO alarm receives its primary power from the building wiring with secondary battery back-up, is a battery-operated device, or is a plug-in type CO alarm with a back-up battery;

(3) location within dwelling or dwelling unit where each alarm is installed;

(4) date each alarm was tested to determine if it is in operable condition;

(5) maintenance work performed on each alarm; and

(6) date occupant requested replacement/repair.

These records must be made available to HPD, DOB, the Fire Department, or DOHMH upon request.

#### **§12-08 Occupant Responsibilities for CO Alarms for Class A Multiple Dwellings and Private Dwellings.**

(a) Pursuant to §27-2046.1 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 and the occupant of a dwelling or dwelling unit in a private dwelling in which a CO alarm has been provided and installed by the owner to:

(1) keep and maintain such CO alarm in good repair; and

(2) replace any alarm that is either stolen, removed, missing, or rendered inoperable during the occupancy of such dwelling or dwelling unit.

(b) The occupant of a dwelling or dwelling unit in which a CO alarm is newly installed, or in which a CO alarm is installed by the owner as a result of such occupant's failure to

maintain such alarm, or where such alarm has been removed or damaged by such occupant, or where such alarm is replaced upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code shall reimburse the owner in the amount of \$25.00 per alarm for the cost of such work. Such occupant shall have one year from the date of installation to make such reimbursement.

(c) Except as provided in §12-06(c) and (d) and §12-07(d) and (e) above, an owner who has provided and installed a CO alarm in a dwelling or dwelling unit shall not be required to keep and maintain such alarm in good repair or to replace any such alarm that is stolen, removed, or rendered inoperable during the occupancy of such dwelling or dwelling unit.

#### **§12-09 Owner Responsibilities for CO Alarms for Class B Multiple Dwellings.**

Pursuant to §27-2046.2 of the administrative code of the city of New York, the owner of a Class B multiple dwelling that is required to be equipped with one or more CO alarms pursuant to 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 and as prescribed by DOB pursuant to chapter 28 of title 1 of the rules of the city of New York shall:

(a) Provide and install one or more approved and operational CO alarm in each dwelling unit and replace such devices as necessary in accordance with article 12 of chapter 3 of title 28 of the administrative code, or in the alternative, provide and install a line operated zoned CO detecting system with central annunciation and central office tie-in for all public corridors and public spaces;

(b) Keep and maintain CO alarms or systems in good repair and replace such alarm upon the expiration of its useful life pursuant to article 12 of chapter 3 of title 28 of the New York city administrative code;

(c) Replace any CO alarm that has been stolen, removed, found missing, or rendered inoperable prior to the commencement of a new occupancy of a dwelling unit;

(d) Keep the following records, on the premises or in the business office of the managing agent or owner, relating to the installation and maintenance of CO alarms or systems:

(1) date of installation of each CO alarm or system and the expiration date of the useful life of such alarm;

(2) whether the CO alarm receives its primary power from the building wiring with secondary battery back-up, is a battery-operated alarm, is a plug-in type CO alarm with a back-up battery, or in the alternative whether it is a line operated zoned CO detecting system with central annunciation and central office tie-in for all public corridors and public spaces;

(3) room number and location within room where each CO alarm was installed;

(4) date each alarm was tested to determine if it is in operable condition;

(5) maintenance work performed on each alarm.

These records must be made available to HPD, DOB, the Fire Department, or DOHMH upon request; and

(e) File a certification of satisfactory installation electronically, or using a form available at each HPD Borough Office location after the first replacement of a new CO alarm that complies with §§28-312.1 and 28-312.2 of the administrative code, and within

10 days after completion for each subsequent installation of a CO alarm. An owner must have a current, valid property registration on file for the property in order to file a certification of satisfactory installation.

**§12-10 Form for Notices for CO Alarms.**

A sample form for providing notice to occupants pursuant to §12-06 is attached and made a part of this chapter.

**NOTICE**

The law requires the owner of the premises to provide a carbon monoxide alarm in each apartment in this building. The carbon monoxide alarm must be placed within 15 feet of the primary entrance to each sleeping room, must be equipped with an end of life alarm, and must be periodically replaced by the property owner as necessary when the suggested useful life of the alarm expires. Tenants are responsible for the maintenance and repair of the alarms installed in the apartment and for replacing any or all alarms that are stolen, removed, missing, or become inoperable during the occupancy of the apartment. The occupant of each apartment in a building in which a carbon monoxide alarm is provided and installed must pay the owner \$25.00 per alarm. This fee covers the cost of the work for the initial installation and each periodic replacement. The occupant has one year from the date of installation to pay the owner.