

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2013**

No. 112

Introduced by Council Members Dilan, Comrie, Koo, Nelson, Rose, Wills, Rodriguez, Gentile, Van Bramer, Koppell and Williams (by request of the Mayor).

A LOCAL LAW

To amend the administrative code of the city of New York and the New York city building code, in relation to smoke alarms.

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 82 for the year 1989, is amended to read as follows:

§ 27-2045 Duties of owner and occupant with respect to installation and maintenance of smoke detecting devices in class A multiple dwellings. a. It shall be the duty of the owner of a class A multiple dwelling which is required to be equipped with smoke detecting devices pursuant to [article six of subchapter seventeen of chapter one of this title] *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:

(1) 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*. Such devices shall be installed [in accordance with the requirements of] *at 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.*

(2) post a notice in a form approved by the commissioner in a common area of the building informing the occupants of such building *(i) 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 (ii) 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.*

(3) 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.*

(4) 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 due to a defect in the manufacture of such device and through no fault of the occupant of the dwelling unit.

(5) keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices in the building, *including records showing that such devices meet the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York*, and make such records available to the commissioner upon request.

b. Notwithstanding the provisions of subdivision a of section 27-2005 of article one of this subchapter and subdivision c of section 27-2006 of article one of this subchapter, it shall be the sole duty of the occupant of each dwelling unit in a class A multiple dwelling in which a smoke detecting device has been provided and installed by the owner pursuant to the provisions of [article

six of subchapter seventeen of chapter one of this title] *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:*

(1) keep and maintain such device in good repair; and

(2) 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.*

c. Except as otherwise provided in paragraphs three and four of subdivision a of this section *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 pursuant to this section 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.

d. The occupant of a dwelling unit in which a battery-operated smoke detecting device is provided and installed pursuant to this section 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.

e. For the purposes of this section, the term “class A” multiple dwelling shall include garden-type maisonette dwellings constructed before April eighteenth, nineteen hundred fifty-four and the term “garden-type maisonette dwellings” shall be defined as any dwelling project consisting of a series of dwelling units which together and in their aggregate are arranged or designed to provide three or more apartments, and are provided as a group collectively with all essential services such as, but not limited to, house sewers and heat, and which are operated as a

unit under single ownership, notwithstanding that certificates of occupancy were issued for portions thereof as private dwellings.

§2. Section 27-2046 of the administrative code of the city of New York, as added by chapter 907 of the laws of 1985, is amended to read as follows:

§ 27-2046 Duties of owner with respect to installation and maintenance of smoke detecting devices in class B multiple dwellings. It shall be the duty of the owner of a class B multiple dwelling which is required to be equipped with smoke detecting devices pursuant to [article six of subchapter seventeen of chapter one of this title] *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:

(1) 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 annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules and regulations promulgated by the commissioner of buildings.

(2) 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.*

(3) 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.*

(4) keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices in each dwelling unit, *including records showing that such devices meet the requirements of article 312 of chapter 3 of title 28 of the administrative code*

of the city of New York, and make such records available to the commissioner upon request.

§3. Article 12 of Chapter 3 of title 28 of the administrative code of the city of New York, as added by local law number 75 for the year 2011, is amended to read as follows:

**ARTICLE 312
CARBON MONOXIDE AND SMOKE ALARMS**

§ 28-312.1 General. Required carbon monoxide and smoke alarms shall comply with the provisions of this article.

§ 28-312.[1]2. Periodic replacement of carbon monoxide alarms. Carbon monoxide alarms required 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 shall be replaced when the time elapsed since the installation of such alarm exceeds the [manufacturers] *manufacturer's* suggested useful life of the alarm.

[Exception.] **Exception:** A carbon monoxide alarm installed prior to the effective date of this article shall be replaced when the time elapsed since the installation of such alarm exceeds the [manufacturers] manufacturer's suggested useful life of the alarm or within 6 months after the effective date of this article, whichever is later.

§ 28-312.[2]3. Audible notification of expiration of useful life of carbon monoxide alarms. All carbon monoxide alarms installed after the effective date of this article shall comply with UL 2034 and be of a type that emits an audible notification at the expiration of the useful life of such alarm.

§ 28-312.4 Periodic replacement of smoke alarms. *Smoke alarms required 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 be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer's suggested useful life of the alarm.*

Exception: *A smoke alarm installed prior to the effective date of this section and whose end of useful life is not known shall be replaced with an alarm that complies with section 28-312.5 within 7 years after the effective date of this section.*

§ 28-312.5 Audible notification of expiration of useful life of smoke alarms. *All smoke alarms installed after the effective date of this section shall comply with UL 217, shall employ a non-removable, non-replaceable battery that powers the alarm for a minimum of 10 years, and shall be of the type that emits an audible notification at the expiration of the useful life of the alarm.*

§4. Chapter 35 of the New York city building code is amended by adding a new standard

reference number UL 217 of Underwriters Laboratories (UL) to read as follows:

UL Underwriters Laboratories 333 Pfingsten Road Northbrook, IL 60062-2096 Standard reference
Number Title 217-09 Standard for Single and Multiple Station Smoke Alarms.

§5. This local law shall take effect one hundred twenty days after enactment except that the department of housing preservation and development may promulgate rules or take other actions to implement its provisions prior to such effective date and, at any time prior to such effective date, owners may replace previously installed smoke alarms which do not conform to the requirements of article 312 of chapter 3 of title 28 of the administrative code of the city of New York. Such replacement smoke alarms shall comply with article 312 of chapter 3 of title 28 of the administrative code of the city of New York and the period of reimbursement pursuant to subdivision (d) of section 27-2045 of the administrative code of the city of New York by the occupant of a dwelling unit for which such replacement has occurred shall commence as of the date of such replacement.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on November 14, 2013 and approved by the Mayor on December 2, 2013.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 112 of 2013, Council Int. No. 1111-A of 2013) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.