

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2016**

No. 157

Introduced by Council Members Vacca, Williams, Palma, Richards, Gentile, Rodriguez, Crowley, Rosenthal, Menchaca, Lander, Cohen, Van Bramer, Levin and Kallos.

A LOCAL LAW

To amend the New York city housing maintenance code and the New York city building code, in relation to requiring the installation of natural gas detecting devices, and to repeal sections 27-2045, 27-2046, 27-2046.1 and 27-2046.2 of the administrative code of the city of New York, relating to smoke detecting devices and carbon monoxide detecting devices

Be it enacted by the Council as follows:

Section 1. Where an industry standard concerning the use of natural gas detecting devices in residential buildings has been promulgated on or after the effective date of the local law that added this section, the commissioner of buildings shall, within 180 days, by rule, establish or adopt a standard governing the installation and location of single- or multiple-station alarms responsive to natural gas.

§ 2. Sections 27-2045, 27-2046, 27-2046.1 and 27-2046.2 of the administrative code of the city of New York are REPEALED and a new section 27-2045 is added to read as follows:

§ 27-2045 Duties of owner and occupant with respect to installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices.

a. As used in this section:

Class A multiple dwelling. The term “class A multiple dwelling” means a class A multiple dwelling as defined in paragraph 8 of subdivision a of section 27-2004, except that such term shall include garden-type maisonette dwellings constructed before April 18, 1954.

Garden-type maisonette dwelling. The term “garden-type maisonette dwelling” means a dwelling project consisting of a series of dwelling units that, together and in their aggregate, are arranged or designed to provide three or more apartments; are provided as a group collectively with all essential services such as, but not limited to, house sewers and heat; and are operated as a unit under single ownership, notwithstanding that certificates of occupancy were issued for portions thereof as private dwellings, as such term is defined in paragraph 6 of subdivision a of section 27-2004.

Private dwelling. The term “private dwelling” means 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.

b. The owner of a class A multiple dwelling, class B multiple dwelling or private dwelling shall:

1. (a) Provide and install one or more approved and operational smoke detecting devices in each dwelling unit in accordance with 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, as applicable, or, in the alternative for class B multiple dwellings, 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 promulgated by the commissioner of buildings, except that this paragraph shall not apply to private dwellings;

(b) Provide and install one or more approved and operational carbon monoxide detecting devices in each dwelling unit in accordance with 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, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned carbon monoxide detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings or by the commissioner in consultation with the department of buildings and the fire department;

(c) Provide and install one or more approved and operational natural gas detecting devices in accordance with section 908.10 of the New York city building code or section 28-315.2.3 of the code, as applicable, or, in the alternative for class B multiple dwellings, provide and install a line-operated zoned natural gas detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules promulgated by the commissioner of buildings or by the commissioner in consultation with the department of buildings and the fire department;

2. Periodically replace any device required under paragraph 1 of this subdivision upon expiration of its useful life in accordance with article 312 of title 28 of the code;

3. (a) For a class A multiple dwelling or private dwelling, replace any such device that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the dwelling unit and that has not been replaced by the prior occupant before commencement of a new occupancy of such dwelling unit, except that this paragraph shall not apply to smoke detecting devices in private dwellings;

(b) For a class B multiple dwelling, replace any such device that has been stolen, removed, found missing or rendered inoperable before commencement of a new occupancy of such dwelling unit;

4. Where any such device becomes inoperable within one year after installation due to a defect in the manufacture of such device and through no fault of the occupant of such dwelling unit, replace such device within 30 calendar days after receiving written notice that such device is inoperable, except that this paragraph shall not apply to class B multiple dwellings or smoke detecting devices in private dwellings;

5. Post a notice in a form approved by the commissioner in a common area of the building or, for private dwellings, provide to the occupants thereof a notice, indicating that (i) the owner is required by law to install such devices and to periodically replace such devices upon the expiration of their useful life, and (ii) each occupant is responsible for the maintenance and repair of such devices that are battery-operated and within such occupant's dwelling unit and for replacing, in accordance with article 312 of title 28 of the code, any or all such devices which are stolen, removed, found missing or rendered inoperable during such occupant's occupancy of such dwelling unit, except that this paragraph shall not apply to class B multiple dwellings or smoke detecting devices in private dwellings;

6. Provide to at least one adult occupant of such dwelling unit information relating to (i) the risks posed by carbon monoxide poisoning and, if natural gas detecting devices are required to be installed in such dwelling unit by rules promulgated by the commissioner of buildings, the risks posed by natural gas leaks, (ii) the testing and maintenance of smoke detecting devices, carbon monoxide detecting devices and, if natural gas detecting devices are required to be installed in such dwelling unit by rules promulgated by the commissioner of buildings, natural gas detecting

devices, (iii) what to do if such devices alert, (iv) the useful life of such devices, (v) the owner's duty to replace such devices pursuant to article 312 of title 28 and (vi) the occupant's duty to maintain and repair such devices that are battery-operated and within such occupant's dwelling unit and replace any or all such devices within such dwelling unit that are stolen, removed, found missing or rendered inoperable during such occupant's occupancy of such dwelling unit; provided that the information provided in accordance with this paragraph may include material that is distributed by the manufacturer or material prepared or approved by the department of buildings; except that this paragraph shall not apply to class B multiple dwellings or smoke detecting devices in private dwellings; and

7. Keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices, carbon monoxide detecting devices and natural gas detecting devices in the dwelling, including the manufacturer's suggested useful life of such devices and records showing that such devices meet the requirements of all applicable laws and rules, and make such records available to the commissioner upon request.

c. Notwithstanding the provisions of subdivision a of section 27-2005 and subdivision c of section 27-2006, the occupant of each dwelling unit in a class A multiple dwelling or private dwelling in which a device required by paragraph 1 of subdivision b of this section has been provided and installed shall:

- 1. Keep and maintain such device in good repair; and*
- 2. Replace such device if it is stolen, removed, found missing or rendered inoperable during the occupant's occupancy of such dwelling unit.*

d. It shall be unlawful for any person to tamper with or render inoperable a required smoke detecting device, carbon monoxide detecting device or natural gas detecting device, except to replace the batteries of such device or for other maintenance purposes.

e. The occupant of a dwelling unit within a class A multiple dwelling or private dwelling in which a battery-operated smoke detecting device, carbon monoxide detecting device or natural gas detecting device is newly installed, or installed to replace a device that has exceeded the manufacturer's useful life or that has been lost or damaged by such occupant or installed as a result of such occupant's failure to maintain such device, shall reimburse the owner for the cost of providing and installing such device an amount not to exceed (i) \$25 for each smoke detecting device, carbon monoxide detecting device or natural gas detecting device, (ii) \$50 for each combined smoke and carbon monoxide detecting device, combined smoke and natural gas detecting device or combined carbon monoxide and natural gas detecting device and (iii) \$75 for each combined smoke, carbon monoxide and natural gas detecting device.

f. This section may be enforced by the department, the department of buildings, the fire department and the department of health and mental hygiene.

§ 3 Article 312 of title 28 of the administrative code of the city of New York, as amended by local law number 112 for the year 2013, is amended to read as follows:

**ARTICLE 312
CARBON MONOXIDE, [AND] SMOKE AND NATURAL GAS ALARMS**

§ 28-312.1 General. Required carbon monoxide, [and] smoke *and natural gas* alarms shall comply with the provisions of this article.

§ 28-312.2. 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 manufacturer's suggested useful life of the alarm.

Exception: A carbon monoxide alarm installed [prior to the effective date of this article] *before April 25, 2012* shall be replaced when the time elapsed since the installation of such alarm exceeds the manufacturer's suggested useful life of the alarm or [within 6 months after the effective date of this article] *before October 25, 2012*, whichever is later.

§ 28-312.3[.] Audible notification of expiration of useful life of carbon monoxide alarms. All carbon monoxide alarms installed after [the effective date of this article] *April 25, 2012* 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] *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] *before April 1, 2014* 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] *by no later than April 1, 2021*.

§ 28-312.5 Audible notification of expiration of useful life of smoke alarms. All smoke alarms installed after [the effective date of this section] *April 1, 2014* 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.

§ 28-312.6 Periodic replacement of natural gas alarms. *Natural gas alarms required pursuant to section 908.10 of the New York city 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.*

§ 28-312.7 Audible notification of expiration of useful life of natural gas alarms. *All natural gas alarms installed after the effective date of the local law that added this section 28-312.7 shall comply with a standard established or adopted by department rule and shall be of the type that emits an audible notification at the expiration of the useful life of the alarm.*

§ 4. Section 28-315.2 of the administrative code of the city of New York, as added by local law number 141 for the year 2013, is amended by adding a new section 28-315.2.4 to read as follows:

§ 28-315.2.4 Natural gas alarms. *Natural gas alarms shall be provided and installed in accordance with section 908.10 of the New York city building code on or before May 1 of the first year that commences after the department, by rule, establishes or adopts a standard governing the installation and location of natural gas alarms.*

***Exception:** In existing buildings, natural gas alarms shall not be required to comply with the power source and interconnection requirements for smoke alarms in accordance with Sections 907.2.11.2 through 907.2.11.3.*

§ 5. Section 202 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new definition for “NATURAL GAS ALARM,” in appropriate alphabetical order, to read as follows:

NATURAL GAS ALARM. *See Section 902.1.*

§ 6. Section 902.1 of the New York city building code, as amended by local law number 141 for the year 2013, is amended by adding a new definition for “NATURAL GAS ALARM,” in appropriate alphabetical order, to read as follows:

NATURAL GAS ALARM. *A single- or multiple-station alarm responsive to natural gas.*

§ 7. Section 908.7.1.1.2 of the New York city building, as amended by local law number 141 for the year 2013, is amended to read as follows:

908.7.1.1.2 Installation requirements. Carbon monoxide alarms or detectors shall comply with the power source, interconnection[,] and acceptance testing requirements as required for smoke alarms in accordance with Sections 907.2.11.2 through 907.2.11.3 and Section 907.7.1.

§ 8. Section BC 908 of the New York city building code is amended by adding a new section 908.10 to read as follows:

908.10 Natural gas alarms. *Natural gas alarms shall be provided and installed in accordance with Sections 908.10.1 and 908.10.2.*

908.10.1 Location. *Natural gas alarms listed in accordance with a standard established or adopted by department rule shall be provided and installed in accordance with department rules.*

908.10.2 Additional installation requirements. *Natural gas alarms shall comply with the power source, interconnection and acceptance testing requirements for smoke alarms in accordance with Sections 907.2.11.2 through 907.2.11.3 and Section 907.7.1.*

§ 9. This local law takes effect immediately, except that sections two through eight of this local law shall take effect on May 1 of the first year that commences after the commissioner of buildings adopts the rule required by section one of this local law, and except that such commissioner and the commissioner of housing preservation and development may take such measures as are necessary for the implementation of such sections, including the promulgation of rules, before such effective date. Upon adoption of the rule required by section one of this local law, the commissioner of buildings shall notify the New York state legislative bill drafting commission, in order that the commission may maintain an accurate and timely effective database of the official text of the New York city charter and administrative code in furtherance of effectuating the provisions of section 70-b of the public officers law, and the corporation counsel, who shall notify relevant publishers in furtherance of effectuating the provisions of section 7-111 of the administrative code. Failure to provide the notifications described in this section shall not affect the effective date of any section of this local law.

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 16, 2016 and approved by the Mayor on December 6, 2016.

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. 157 of 2016, Council Int. No. 1100-A of 2016) 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.

STEPHEN LOUIS, Acting Corporation Counsel