

§ 408-02 Residential Fire Safety Guides and Notices

- (a) Scope: This section sets forth standards, requirements and procedures for the preparation, posting and/or distribution of residential fire safety guides and notices required pursuant to FC408.9.
- (b) General Provisions
 - (1) Applicability. This section applies to all buildings or parts thereof in Occupancy *Group R-2*, except:
 - (A) buildings or parts thereof subject to the provisions of FC404.2.1(8); and
 - (B) school and college dormitories, unless such dormitories are required to comply with this section pursuant to FC408.10.
 - (2) Fire safety guides. The *owner* of a building or part thereof subject to this section shall prepare a fire safety guide and distribute such guide to the occupants thereof in compliance with the requirements of FC408.9 and R408-02(c).
 - (3) Fire safety notices. The *owner* of a building or part thereof subject to this section shall prepare, post and maintain fire safety notices in compliance with the requirements of FC408.9 and R408-02(d).
 - (4) Access to dwelling units. Tenants and other occupants of dwelling units in buildings and parts thereof subject to this section shall allow the *owner* of such *premises* access to such dwelling unit, upon reasonable notice, for purposes of compliance with this section.
- (c) Fire Safety Guide Requirements
 - (1) Purpose. The fire safety guide shall serve to inform occupants of the building, including building service employees, of the building's construction, *fire protection systems, means of egress*, and evacuation and other procedures to be followed in the event of *fire* in the building.
 - (2) Form. A fire safety guide shall be:
 - (A) substantially similar in format to the sample fire safety guide annexed to this section as Appendix 1, and include all of the information contained in such sample fire safety guide;
 - (B) printed as a single-sided or double-sided document, stapled or bound, in full-page or booklet format, on paper not smaller than 8½ inches by 11 inches nor larger than 8½ inches by 14 inches in size;
 - (C) printed such that all text is clearly legible, using contrasting lettering and a type size not smaller than eleven (11) point Times New Roman or equivalent; and
 - (D) printed in English. The *owner* may print the fire safety guide in such other additional languages (including symbols) as the *owner* concludes would benefit building occupants.
 - (3) Content. The fire safety guide shall consist of two (2) sections: a building information section and a fire emergency information section. The fire emergency information section shall reproduce the entire text of that section as set forth in the sample fire safety guide annexed hereto as Appendix 1. The building information section shall be completed by the *owner* with the following information:
 - (A) The address of the premises. A separate fire safety guide shall be prepared for each building, except buildings that have common *means of egress*.

- (B) The name and address of the *owner* of the building or the *owner's* representative, unless the fire safety guide is prepared on a letterhead containing such information. For purposes of the fire safety guide, the *owner's* representative shall be any person or company authorized by the *owner* to receive and respond to complaints, violations or questions regarding building fire safety.
- (C) The number of floors in the building, above and below ground level.
- (D) The year the building was constructed.
- (E) Whether the building is of combustible or non-combustible construction. For purposes of the fire safety guide, all buildings, including non-residential buildings containing residential occupancies, shall be deemed to be of "combustible construction" unless:
 - (1) The current Certificate of Occupancy for the building issued by the *Department of Buildings* or a Letter of No Objection by same indicates that the building is of "non-combustible" construction or "fireproof" construction; or
 - (2) If there is no Certificate of Occupancy or Letter of No Objection for the building, a *registered design professional* has provided written certification that the building is of "non-combustible" construction within the meaning of the 1968 or 2008 *Building Code*, or "fireproof" construction within the meaning of the *Building Code* in effect prior to 1968.
- (F) Whether the building is equipped with a *sprinkler system*, and if so, whether such *sprinkler system* protects the entire building or only certain areas, and, if only certain areas, specifying those areas (for example, "the compactor chute on each floor and the compactor room and boiler room in the basement").
- (G) Whether the building is equipped with a *fire alarm system*, and if so:
 - (1) the general location of the *manual fire alarm boxes* of such system (for example, "by the main entrance of building and next to the stairwell at each end of the corridor on each floor"); and
 - (2) whether the *manual fire alarm boxes*, when activated, transmit an alarm to an *approved central station* that notifies the *Department*.
- (H) Whether the building is equipped with a one-way voice communication system pursuant to *Building Code* Section 907.2.12.2 (Exception 3), or other public address system (apart from any intercom system), and if so, the location of the speakers.
- (I) All *means of egress* from the building, and the general location and any identification number of such *means of egress*, including:
 - (1) unenclosed interior stairwells;
 - (2) enclosed interior stairwells;
 - (3) exterior stairwells;
 - (4) fire tower stairwells;
 - (5) fire escapes;
 - (6) all exits from the building (for example, "main entrance on first floor exiting onto 1st Avenue; service entrance from basement

level exiting by ramp onto 5th Street; emergency exit (with alarm) from stairwell exiting on north side of building with access to 5th Street; rear entrance at basement level to rear yard with no access to street; emergency exit (with alarm) at top of stairwell to roof with no access to ground or adjoining buildings.”);

- (J) The date the fire safety guide was prepared; and
 - (K) Any other fire safety information or requirements (including lease provisions, house rules or other private building regulations) that the owner may wish to include, such as restrictions on storage or decoration. Any private building regulations shall be clearly identified as such.
- (4) Accuracy of information. The *owner* of each building shall be responsible for the accuracy of the information contained in the building information section of the fire safety guide and for the accurate reproduction of the fire emergency section of such fire safety guide.
- (5) Distribution. The fire safety guide shall be distributed as follows:
- (A) To each dwelling unit in the building, or an occupant thereof, and to each building service employee:
 - (B) on an annual basis, by hand delivery or mailing a copy by first class mail, during Fire Prevention Week (observed during the month of October), or, if the fire safety guide is distributed together with the window guard notices required by New York City Administrative Code §17-123, at such time as the rules of the New York City Department of Health and Mental Hygiene require the annual distribution of such window guard notices to be made; and
 - (C) within 60 days of any material change in building conditions affecting the content of the fire safety guide, other than temporary repairs or maintenance work. Nothing contained herein shall be construed to relieve an *owner* of any residential building or part thereof of any duty to notify building occupants, the *Department* or other party that any *fire protection system* is not functional.
 - (D) To a new occupant, by providing a copy at the time the lease, sublease or other agreement allowing occupancy of the dwelling unit is presented to the occupant for signature, or, if there is no written agreement, not later than at the date the occupant assumes occupancy of the *premises*.
 - (E) To a new building service employee, by providing a copy to such employee not later than the date upon which the employee actually commences to perform duties at the *premises*.
 - (F) Each distribution of the fire safety guide shall be documented by a United States Postal Service certificate of mailing or other official proof of mailing, or, if hand delivered, by receipt signed by an occupant of the dwelling unit or the building service employee, or by sworn affidavit of the employee or agent of the *owner* who actually delivered the fire safety guide, identifying the date and manner of delivery and the dwelling units to which it was delivered or the names of the occupants who received it.
- (6) Inspection. The *owner* shall make available for inspection upon request of any

Department representative a copy of the last three (3) annual fire safety guides and proof of distribution.

(d) Fire Safety Notice Requirements

- (1) Purpose. The fire safety notice shall serve to inform occupants of the building, including building service employees and visitors, as to the evacuation and there procedures to be followed in the event of *fire* in the building.
- (2) Form. Each fire safety notice shall be:
 - (A) substantially similar in format to the sample fire safety notice annexed to this section as Appendix 2, and include all of the information contained in such sample fire safety notice;
 - (B) printed on a single-sided sheet of paper framed under a clear Plexiglas cover or laminated with a firm backing and designed to be affixed by mounting hardware or an adhesive, or printed on a matte-finish vinyl adhesive-backed decal not less than three (3) mils in thickness, using thermal printing, screen printing or other permanent, water-resistant printing technique;
 - (C) 5½ inches by 8½ inches in size (excluding any frame), except that fire safety notices to be posted in the common area of the residential building or part thereof may be up to 8½ by 11 inches in size;
 - (D) printed such that all text is clearly legible, using contrasting lettering and a type size not smaller than ten (10) point Times New Roman or equivalent;
 - (E) printed in the English language. The *owner* may print the fire safety notice in such other additional languages (including symbols) as the *owner* concludes would benefit the building occupants. In such event, the fire safety notice may exceed 5½ inches by 8½ inches in size.
- (3) Content. The fire safety notice shall reproduce the entire text of the sample fire notice annexed hereto as Appendix 2 that is applicable to the building, as follows:
 - (A) Noncombustible construction. The text of this notice shall be used for dwelling unit doors and common areas when the building is of noncombustible construction within the meaning set forth in R408-02(c)(3)(E).
 - (B) Combustible construction. The text of this notice shall be used for dwelling unit doors and common areas when the building is of combustible construction within the meaning set forth in R408-02(c)(3)(E).
- (4) Accuracy of information. The *owner* of each residential building or part here of subject to the requirements of this section shall be responsible for the accurate reproduction of the fire safety notices.
- (5) Posting.
 - (A) Location. A fire safety notice shall be posted in each of the following locations:
 - (1) Dwelling unit door. On the inside surface of the front or main entrance door of each dwelling unit in the building.
 - (2) Common area. In a conspicuous location near any common mailbox area customarily used by building occupants, or if there is

no common mailbox area, in a conspicuous location in or near the elevators or main stairwell.

- (B) Method of posting. Each fire safety notice shall be securely affixed, by mounting hardware or an adhesive, to the door or wall such that no part of the fire safety notice (excluding any frame) is lower than four (4) feet from the floor, nor higher than five and a half (5½) feet from the floor.
 - (C) Posting of Building Information Section. A copy of Part I of the fire safety guide (the building information section) shall be posted with the fire safety notice in the common area. Such posting shall be in the same form as the fire safety notice.
- (6) Maintenance and replacement. The *owner* shall maintain the fire safety notice in the common area and shall prepare and post any amended Part I (building information section) of the fire safety guide within sixty days of any material change in building conditions requiring such amended fire safety guide. The *owner* shall replace any missing or damaged notice on the dwelling unit door prior to any lawful change in occupancy of the dwelling unit. The *owner* shall replace any missing or damaged notice at any other time upon written request of the tenant. The tenant may be charged the reasonable cost of replacement.