S T A T E O F N E W Y O R K

8217--A

2015-2016 Regular Sessions

I N A S S E M B L Y

June 11, 2015

Introduced by M. of A. BICHOTTE -- read once and referred to the Committee on Cities -- recommitted to the Committee on Cities in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, social services law, multiple dwelling law, and multiple residence law, in relation to requiring properly installed and functioning smoke detecting systems for all residences

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 372-a to read as follows:

S 372-A. PROPERLY INSTALLED AND FUNCTIONING SMOKE DETECTING SYSTEM. 1. (A) SMOKE DETECTING SYSTEMS SHALL BE INSTALLED IN ALL RESIDENCES UPON CONSTRUCTION AND SHALL MEET THE STANDARDS SET FORTH IN THE STATE FIRE PREVENTION AND BUILDING CODE. CODE ENFORCEMENT PERSONNEL, DEFINED BY SECTION THREE HUNDRED SEVENTY-SIX-A OF THIS ARTICLE, SHALL CONDUCT SMOKE DETECTION SYSTEM INSPECTIONS WITHIN ONE YEAR AFTER CONSTRUCTION ON A NEW RESIDENCE IS COMPLETE. SUCH INSPECTIONS SHALL NOT BE CONDUCTED UNLESS THE RESIDENT PROVIDES CONSENT OR AN ADMINISTRATIVE WARRANT HAS BEEN GRANTED. IF A RESIDENT PROVIDES CONSENT OR AN ADMINISTRATIVE WARRANT IS GRANTED, THE CODE ENFORCEMENT PERSONNEL SHALL ENSURE THE SMOKE DETECTING SYSTEM HAS BEEN INSTALLED CORRECTLY AND IS WORKING PROPERLY.

(B) SMOKE DETECTING SYSTEMS SHALL BE INSTALLED AND FUNCTIONING PROPERLY IN ALL RESIDENCES REQUIRED BY THIS SECTION WHENEVER A RESIDENCE IS SOLD, TITLE OF THE RESIDENCE PROPERTY IS TRANSFERRED, OR CONSTRUCTION, ALTERATION OR REPAIR WORK REQUIRES A PERMIT.

(C) ANY PERSON RECEIVING BENEFITS PURSUANT TO SECTION ONE HUNDRED THIRTY-ONE-A OF THE SOCIAL SERVICES LAW SHALL RECEIVE A SMOKE DETECTING SYSTEM FROM THE DEPARTMENT OF SOCIAL SERVICES OF SUCH MUNICIPALITY. SUCH SYSTEMS SHALL BE FREE OF CHARGE TO SUCH PERSONS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10655-05-6

(D) ANY STUDENT ATTENDING A PUBLIC SCHOOL DISTRICT SHALL RECEIVE A SMOKE DETECTING SYSTEM FROM SUCH SCHOOL DISTRICT ON THE FIRST DAY OF CLASSES OF THE SCHOOL YEAR. IF, HOWEVER, A STUDENT IS NOT PRESENT ON SUCH DAY THEY SHALL RECEIVE A SMOKE DETECTING SYSTEM ON THE FIRST DAY OF SCHOOL THEY ATTEND. SUCH SYSTEMS SHALL BE FREE OF CHARGE TO STUDENTS.

(E) ALL FIREHOUSES SHALL HAVE SMOKE DETECTING SYSTEMS AVAILABLE TO DISTRIBUTE TO RESIDENTS WHEN REQUESTED. SUCH SYSTEMS SHALL BE FREE OF CHARGE TO RESIDENTS.

(F) INSPECTIONS PURSUANT TO SUBDIVISION (A) OF THIS SECTION SHALL BE CONDUCTED EVERY TIME A RESIDENCE IS SOLD, RENTED OR SUBLEASED, AND SHALL BE CONDUCTED ONE YEAR AFTER THE INSTALLATION OF SUCH SYSTEM.

2. (A) THE STATE FIRE PREVENTION AND BUILDING CODE COUNCIL, AS DESCRIBED IN SECTION THREE HUNDRED SEVENTY-FOUR OF THIS ARTICLE, SHALL SEND THE OWNER OF ALL RESIDENCES REQUIRED TO HAVE A SMOKE DETECTION SYSTEM INSTALLED, AT MOST FOUR NOTICES PRIOR TO INSPECTION OF SUCH RESIDENCE.

(B) THE OWNER OF A RESIDENCE SHALL RESPOND TO SUCH NOTICE WITH CONSENT OF INSPECTION OR DENIAL OF CONSENT REQUIRING CODE ENFORCEMENT TO RECEIVE AN ADMINISTRATIVE WARRANT TO PROCEED WITH INSPECTION.

(C) IF AN OWNER OF A RESIDENCE DOES NOT RESPOND PURSUANT TO PARAGRAPH (B) OF THIS SECTION, THEY WILL BE FINED NO MORE THAN ONE HUNDRED DOLLARS BY THE COUNCIL AND WILL BE FURTHER PENALIZED PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

(D) FOLLOWING RECEIPT OF CONSENT OR AN ADMINISTRATIVE WARRANT BY AN OWNER OF A RESIDENCE, THE FIRE DEPARTMENT WITHIN THE MUNICIPALITY OF SUCH RESIDENCE WILL ENFORCE INSPECTIONS TO ENSURE SMOKE DETECTING SYSTEMS ARE INSTALLED AND FUNCTIONING PROPERLY.

(E) INSPECTIONS PURSUANT TO THIS SECTION SHALL TAKE PLACE ONCE EVERY THREE TO FIVE YEARS.

3. IF A SMOKE DETECTION SYSTEM IS FOUND TO BE NON-FUNCTIONING UPON INSPECTION PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE OWNER WILL BE FINED NO MORE THAN ONE HUNDRED DOLLARS BY THE COUNCIL, AND WILL BE REQUIRED TO HAVE THE NON-FUNCTIONING SYSTEM REPAIRED OR REPLACED WITHIN THIRTY DAYS FROM INSPECTION. CODE ENFORCEMENT MAY CONDUCT A FOLLOW UP INSPECTION THIRTY DAYS FROM THE DATE OF THE ORIGINAL INSPECTION TO ENSURE THE SMOKE DETECTION SYSTEM IS FUNCTIONING. THE COUNCIL MUST RECEIVE CONSENT OR BE GRANTED AN ADMINISTRATIVE WARRANT FOR SUCH FOLLOW UP INSPECTION BY CODE ENFORCEMENT. IF THE SYSTEM IS NOT FUNCTIONING AT THE FOLLOW UP INSPECTION, THE OWNER MAY BE FINED NO MORE THAN THREE HUNDRED DOLLARS BY THE COUNCIL. EACH SUBSEQUENT VIOLATION AFTER AN INITIAL FINE MAY BE NO MORE THAN TWICE THE AMOUNT OF THE PREVIOUS FINE.

4. (A) SUBJECT TO AVAILABLE APPROPRIATION, THERE IS HEREBY ESTABLISHED A SMOKE DETECTING SYSTEM GRANT PROGRAM, UNDER WHICH GRANTS SHALL BE MADE AVAILABLE TO FIREHOUSES OF THE STATE FOR THE PURCHASE OF SMOKE DETECTING SYSTEMS OR FOR THE REIMBURSEMENT TO SUCH FIREHOUSES FOR PUBLIC FUNDS THAT THEY HAVE EXPENDED FOR THE PURCHASE OF SMOKE DETECTING SYSTEMS FOR RESIDENTS. APPLICANTS FOR SUCH GRANTS SHALL ALSO INCLUDE PAROCHIAL SCHOOLS FOR USE WITHIN THEIR SCHOOLS, PUBLIC SCHOOLS AND THE DEPARTMENT OF SOCIAL SERVICES FOR THE PURCHASE OF SUCH SYSTEMS.

(B) THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS AS ARE NECESSARY TO ADVANCE THE PURPOSES OF THIS SECTION. SUCH REGULATIONS SHALL ESTABLISH, AMONG OTHER THINGS, THE AMOUNT TO BE REIMBURSED PER SYSTEM AND AN EDUCATIONAL COMPONENT PROVIDED WITH SUCH SYSTEM INCLUDING INFORMATION ON FIRE SAFETY, WHERE TO PLACE SMOKE DETECTING SYSTEMS WITHIN A RESIDENCE AND HOW OFTEN TO CHANGE A SMOKE DETECTING SYSTEM TO ENSURE THEY ARE FUNCTIONING PROPERLY.

S 2. Paragraph (c) of subdivision 2 of section 20 of the social services law, as amended by chapter 200 of the laws of 1946, is amended and a new paragraph (d) is added to read as follows:

(c) distribute, reimburse and grant as herein provided the funds appropriated by the legislature for such participation and also such funds as may be received from the federal government for such purpose or purposes[.];

(D) OVERSEE THE DISTRIBUTION OF SMOKE DETECTING SYSTEMS TO PERSONS RECEIVING BENEFITS UNDER SECTION ONE HUNDRED THIRTY-ONE-A OF THIS CHAPTER.

S 3. Paragraph (a) of subdivision 2 and subdivision 7 of section 68 of the multiple dwelling law, paragraph (a) of subdivision 2 as added by chapter 683 of the laws of 1985 and subdivision 7 as amended by chapter 506 of the laws of 1988, are amended to read as follows:

(a) The owner of every multiple dwelling to which the provisions of this section apply shall equip each apartment or other separate living unit in such multiple dwelling with approved and operational smoke detecting devices in conformity with the state fire prevention and building code[; provided, however, that any multiple dwelling not subject to the provisions of such code may, in the alternative, be equipped with battery-operated smoke detecting devices of a type accepted by the division of housing and community renewal], AND SECTION THREE HUNDRED SEVENTY-TWO-A OF THE EXECUTIVE LAW.

[7. This section shall not apply within cities with a population of one million or more, provided however, any local law in such cities relating to smoke detecting devices shall provide for the installation and maintenance of smoke detecting devices in dwelling accommodations located in buildings owned as condominiums or cooperatives.]

S 4. Paragraph (a) of subdivision 2 of section 15 of the multiple residence law, as added by chapter 683 of the laws of 1985, is amended to read as follows:

(a) The owner of every multiple dwelling to which the provisions of this section apply shall equip each apartment or other separate living unit in such multiple dwelling with approved and operational smoke detecting devices in conformity with the state fire prevention and building code[; provided, however, that any multiple dwelling not subject to the provisions of such code may, in the alternative, be equipped with battery-operated smoke detecting devices of a type accepted by the division of housing and community renewal], AND SECTION THREE HUNDRED SEVENTY-TWO-A OF THE EXECUTIVE LAW.

S 5. This act shall take effect immediately; provided, however, the state fire prevention and building code council is authorized to promulgate rules and regulations necessary for the implementation of the provisions of this act.