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2015-2016 Regular Sessions

I N   A S S E M B L Y

June 11, 2015

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Introduced by M. of A. BICHOTTE -- read once and referred to the Commit-
 tee on Cities

AN ACT to amend the administrative code of the city of New York, in
 relation to requiring properly installed and functioning smoke detect-
 ing systems for all residences

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

1   Section 1. Section 27-979 of the administrative code of the city of
2 New York is amended by adding two new subdivisions (c) and (d) to read
3 as follows:
4   (C) SMOKE DETECTING SYSTEMS SHALL BE INSTALLED IN ALL RESIDENCES UPON
5 CONSTRUCTION AND SHALL MEET THE STANDARDS SET FORTH IN SECTION 27-981 OF
6 THIS ARTICLE AND SECTIONS 27-2045 AND 27-2046 OF ARTICLE ELEVEN OF
7 SUBCHAPTER TWO OF CHAPTER TWO OF THIS TITLE. THE NEW YORK CITY DEPART-
8 MENT OF BUILDINGS ("THE DEPARTMENT") SHALL CONDUCT SMOKE DETECTION
9 SYSTEM INSPECTIONS WITHIN ONE YEAR AFTER CONSTRUCTION ON A NEW RESIDENCE
10 IS COMPLETE. SUCH INSPECTIONS SHALL NOT BE CONDUCTED UNLESS THE RESIDENT
11 PROVIDES CONSENT OR AN ADMINISTRATIVE WARRANT PURSUANT TO SECTION THREE
12 HUNDRED NINETY-EIGHT OF THE NEW YORK CITY CHARTER HAS BEEN GRANTED. IF A
13 RESIDENT PROVIDES CONSENT OR AN ADMINISTRATIVE WARRANT IS GRANTED, THE
14 DEPARTMENT SHALL ENSURE THE SMOKE DETECTING SYSTEM HAS BEEN INSTALLED
15 CORRECTLY AND IS WORKING PROPERLY.
16   (D) INSPECTIONS PURSUANT TO SUBDIVISION (C) OF THIS SECTION SHALL BE
17 CONDUCTED EVERY TIME A RESIDENCE IS SOLD, RENTED OR SUBLEASED.
18   S 2. The administrative code of the city of New York is amended by
19 adding two new sections 27-980.1 and 27-980.2 to read as follows:
20   S 27-980.1 NOTICES FROM THE DEPARTMENT OF BUILDINGS FOR INSPECTION OF
21 PROPER FUNCTIONING SMOKE DETECTING SYSTEM. (A) THE DEPARTMENT SHALL SEND
22 THE OWNER OF ALL RESIDENCES REQUIRED TO HAVE A SMOKE DETECTION SYSTEM
23 INSTALLED, AT MOST FOUR NOTICES PRIOR TO INSPECTION OF SUCH RESIDENCE.
24 (B) THE OWNER OF A RESIDENCE SHALL RESPOND TO SUCH NOTICE WITH CONSENT

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1 OF INSPECTION OR DENIAL OF CONSENT REQUIRING THE DEPARTMENT TO RECEIVE
2 AN ADMINISTRATIVE WARRANT TO PROCEED WITH INSPECTION. (C) IF AN OWNER OF
3 A RESIDENCE DOES NOT RESPOND PURSUANT TO SUBDIVISION (B) OF THIS
4 SECTION, THEY WILL BE FINED NO MORE THAN ONE HUNDRED DOLLARS BY THE
5 DEPARTMENT AND WILL BE FURTHER PENALIZED PURSUANT TO SECTION 27-980.2 OF
6 THIS ARTICLE. (D) FOLLOWING RECEIPT OF CONSENT OR AN ADMINISTRATIVE
7 WARRANT BY A OWNER OF A RESIDENCE, THE FIRE DEPARTMENT OF NEW YORK WILL
8 ENFORCE INSPECTIONS TO ENSURE SMOKE DETECTING SYSTEMS ARE INSTALLED AND
9 FUNCTIONING PROPERLY.   (E) INSPECTIONS PURSUANT TO THIS SECTION SHALL
10 TAKE PLACE ONCE EVERY THREE TO FIVE YEARS.
11   S 27-980.2 PENALTIES FOR FAILURE TO HAVE A FUNCTIONING SMOKE DETECTION
12 SYSTEM. IF A SMOKE DETECTION SYSTEM IS FOUND TO BE NON-FUNCTIONING UPON
13 INSPECTION PURSUANT TO SECTION 27-979 OF THIS ARTICLE, THE OWNER WILL BE
14 FINED NO MORE THAN ONE HUNDRED DOLLARS BY THE NEW YORK CITY DEPARTMENT
15 OF BUILDINGS ("THE DEPARTMENT"), AND WILL BE REQUIRED TO HAVE THE
16 NON-FUNCTIONING SYSTEM REPAIRED OR REPLACED WITHIN THIRTY DAYS FROM
17 INSPECTION. THE DEPARTMENT MAY CONDUCT A FOLLOW UP INSPECTION THIRTY
18 DAYS FROM THE DATE OF THE ORIGINAL INSPECTION TO ENSURE THE SMOKE
19 DETECTION SYSTEM IS FUNCTIONING. THE DEPARTMENT MUST RECEIVE CONSENT OR
20 BE GRANTED AN ADMINISTRATIVE WARRANT FOR SUCH FOLLOW UP INSPECTION. IF
21 THE SYSTEM IS NOT FUNCTIONING AT THE FOLLOW UP INSPECTION, THE OWNER MAY
22 BE FINED NO MORE THAN THREE HUNDRED DOLLARS BY THE DEPARTMENT. EACH
23 SUBSEQUENT VIOLATION AFTER AN INITIAL FINE MAY BE NO MORE THAN TWICE THE
24 AMOUNT OF THE PREVIOUS FINE.
25   S 3. This act shall take effect immediately; provided, however, the
26 commissioner of the New York city department of buildings is authorized
27 to promulgate rules and regulations necessary for the implementation of
28 the provisions of this section.