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

9793

I N A S S E M B L Y

April 5, 2012

Introduced by M. of A. J. MILLER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the education law, in relation to requiring certain property owners who lease to college students to install and maintain direct transmission fire, smoke and carbon monoxide alarms

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

Section 1. Section 378 of the executive law is amended by adding a new subdivision 5-d to read as follows:

5-D. STANDARDS FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF DIRECT TRANSMISSION SMOKE, FIRE AND CARBON MONOXIDE ALARM DETECTING DEVICES, REQUIRING THAT:

A. WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THE SECTION, THE OWNER OF EVERY HOUSE, APARTMENT OR OTHER SEPARATE LIVING UNIT, WHICH IS LEASED TO AT LEAST TWO COLLEGE STUDENTS RESIDING IN SUCH PLACE FOR THE PURPOSE OF ATTENDING A COLLEGE OR UNIVERSITY IN THE STATE, SHALL HAVE INSTALLED AN OPERABLE SMOKE, FIRE AND CARBON MONOXIDE ALARM DETECTING DEVICE, WHICH IS EITHER INTERCONNECTED WITH THE FIRE ALARM REPORTING LOCATION OR SYSTEM PROVIDED FOR SUCH LOCAL FIRE DEPARTMENT OR COMPANY TO RECEIVE ALARMS FROM THE PUBLIC, SO THAT UPON ACTIVATION OF SUCH INTERNAL SMOKE, FIRE AND CARBON MONOXIDE ALARM DETECTING SYSTEM, A SIGNAL IS DIRECTLY TRANSMITTED TO SUCH LOCAL FIRE DEPARTMENT OR FIRE COMPANY OR WHICH IS INTERCONNECTED WITH A COMMERCIAL MONITORING SYSTEM WHICH WOULD NOTIFY SUCH LOCAL FIRE DEPARTMENT OR FIRE COMPANY UPON ACTIVATION OF SUCH INTERNAL SMOKE, FIRE AND CARBON MONOXIDE ALARM DETECTING SYSTEM.

B. SHOULD THE OWNER FAIL TO INSTALL AN OPERABLE DEVICE PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION, THE STUDENTS RESIDING IN SUCH HOUSE MAY MAKE WRITTEN REQUEST TO THE OWNER TO INSTALL SUCH DEVICE. THE OWNER SHALL HAVE FOURTEEN DAYS FROM RECEIPT OF THE WRITTEN REQUEST TO INSTALL THE APPROPRIATE DEVICE IN COMPLETE OPERATING STATUS. SHOULD THE OWNER FAIL TO COMPLETE INSTALLATION WITHIN FOURTEEN DAYS UPON RECEIPT OF WRITTEN REQUEST, THE PRO RATA SHARE OF RENT PROPORTIONATE TO THE NUMBER OF EXCESS DAYS IT TAKES TO COMPLETE INSTALLATION SHALL BE DEDUCTED FROM THE

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

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MONTHLY RENT. SHOULD THE OWNER FAIL TO INITIATE INSTALLATION WITHIN FOURTEEN DAYS, THE STUDENTS RESIDING IN SUCH HOUSE, APARTMENT OR OTHER SEPARATE LIVING UNIT MAY PURCHASE AND INSTALL SUCH DEVICE AND MAY EITHER:

(I) SUBMIT A BILL TO SUCH OWNER FOR THE COSTS ASSOCIATED WITH SUCH PURCHASE, INSTALLATION AND MAINTENANCE OF SUCH DEVICE; OR

(II) DEDUCT THE AMOUNT EXPENDED FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF SUCH DEVICE FROM THE AMOUNT OWED FOR RENT.

C. STUDENTS EXERCISING THE OPTION DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH B OF THIS SUBDIVISION, WHO FACE EVICTION AS A RESULT OF EXERCISING SUCH OPTION, SHALL BE ENTITLED, IN ADDITION TO ANY OTHER REMEDIES AVAILABLE BY LAW, TO ALL AMOUNTS PREVIOUSLY PAID TO SUCH OWNER AND THE AMOUNTS DEDUCTED FROM THE RENT DUE FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF SUCH DEVICE.

D. IF SUCH OWNER HAS NOT INSTALLED SUCH DEVICE PRIOR TO LEASING SUCH HOUSE, APARTMENT OR OTHER SEPARATE LIVING UNIT TO SUCH STUDENTS, SUCH OWNER SHALL INCLUDE A PROVISION IN THE LEASE PROVIDING THAT SUCH DEVICE IS REQUIRED PURSUANT TO LAW, THAT SUCH DEVICE SHALL BE INSTALLED WITHIN FOURTEEN DAYS FROM THE DATE SUCH STUDENTS BEGIN RESIDING AT SUCH LOCATION, AND THAT ANY COSTS ASSOCIATED WITH THE MAINTENANCE OF SUCH DEVICE SHALL BE BORNE EQUALLY BETWEEN SUCH OWNER AND SUCH STUDENTS, PROVIDED, HOWEVER, THAT SUCH STUDENTS' SHARE OF COSTS SHALL BE DIVIDED EQUALLY AMONG SUCH STUDENTS.

S 2. The education law is amended by adding a new section 6438 to read as follows:

S 6438. OFF-CAMPUS HOUSING REQUIREMENTS. EACH COLLEGE SHALL INFORM INCOMING STUDENTS ABOUT THE STANDARDS FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF DIRECT TRANSMISSION SMOKE, FIRE AND CARBON MONOXIDE ALARM DETECTING DEVICES, IN CERTAIN OFF-CAMPUS HOUSING, AS REQUIRED PURSUANT TO SUBDIVISION FIVE-D OF SECTION THREE HUNDRED SEVENTY-EIGHT OF THE EXECUTIVE LAW.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.