

# STATE OF NEW YORK

2974

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. BICHOTTE, GOTTFRIED, BARRON, SEPULVEDA -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the social services law, the multiple dwelling law, and the 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:

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

3 § 372-a. Properly installed and functioning smoke detecting system. 1.

4 (a) Smoke detecting systems shall be installed in all residences upon  
5 construction and shall meet the standards set forth in the state fire  
6 prevention and building code. Code enforcement personnel, defined by  
7 section three hundred seventy-six-a of this article, shall conduct smoke  
8 detection system inspections within one year after construction on a new  
9 residence is complete. Such inspections shall not be conducted unless  
10 the resident provides consent or an administrative warrant has been  
11 granted. If a resident provides consent or an administrative warrant is  
12 granted, the code enforcement personnel shall ensure the smoke detecting  
13 system has been installed correctly and is working properly.

14 (b) Smoke detecting systems shall be installed and functioning properly  
15 in all residences required by this section whenever a residence is  
16 sold, title of the residence property is transferred, or construction,  
17 alteration or repair work requires a permit.

18 (c) Any person receiving benefits pursuant to section one hundred  
19 thirty-one-a of the social services law shall receive a smoke detecting  
20 system from the department of social services of such municipality. Such  
21 systems shall be free of charge to such persons.

22 (d) Any student attending a public school district shall receive a  
23 smoke detecting system from such school district on the first day of

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

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1 classes of the school year. If, however, a student is not present on  
2 such day they shall receive a smoke detecting system on the first day of  
3 school they attend. Such systems shall be free of charge to students.

4 (e) All firehouses shall have smoke detecting systems available to  
5 distribute to residents when requested. Such systems shall be free of  
6 charge to residents.

7 (f) Inspections pursuant to paragraph (a) of this subdivision shall be  
8 conducted every time a residence is sold, rented or subleased, and shall  
9 be conducted one year after the installation of such system.

10 2. (a) The state fire prevention and building code council, as  
11 described in section three hundred seventy-four of this article, shall  
12 send the owner of all residences required to have a smoke detection  
13 system installed, at most four notices prior to inspection of such resi-  
14 dence.

15 (b) The owner of a residence shall respond to such notice with consent  
16 of inspection or denial of consent requiring code enforcement to receive  
17 an administrative warrant to proceed with inspection.

18 (c) If an owner of a residence does not respond pursuant to paragraph  
19 (b) of this subdivision, they will be fined no more than one hundred  
20 dollars by the council and will be further penalized pursuant to subdi-  
21 vision three of this section.

22 (d) Following receipt of consent or an administrative warrant by an  
23 owner of a residence, the fire department within the municipality of  
24 such residence will enforce inspections to ensure smoke detecting  
25 systems are installed and functioning properly.

26 (e) Inspections pursuant to this section shall take place once every  
27 three to five years.

28 3. If a smoke detection system is found to be non-functioning upon  
29 inspection pursuant to subdivision one of this section, the owner will  
30 be fined no more than one hundred dollars by the council, and will be  
31 required to have the non-functioning system repaired or replaced within  
32 thirty days from inspection. Code enforcement may conduct a follow up  
33 inspection thirty days from the date of the original inspection to  
34 ensure the smoke detection system is functioning. The council must  
35 receive consent or be granted an administrative warrant for such follow  
36 up inspection by code enforcement. If the system is not functioning at  
37 the follow up inspection, the owner may be fined no more than three  
38 hundred dollars by the council. Each subsequent violation after an  
39 initial fine may be no more than twice the amount of the previous fine.

40 4. (a) Subject to available appropriation offered by municipalities  
41 and localities, there is hereby established a smoke detecting system  
42 grant program, under which grants may be made available to firehouses of  
43 the state for the purchase of smoke detecting systems or for the  
44 reimbursement to such firehouses for public funds that they have  
45 expended for the purchase of smoke detecting systems for residents.  
46 Applicants for such grants may also include parochial schools for use  
47 within their schools, public schools and the department of social  
48 services for the purchase of such systems.

49 (b) The department shall promulgate rules and regulations as are  
50 necessary to advance the purposes of this section. Such regulations  
51 shall establish, among other things, the amount to be reimbursed per  
52 system and an educational component provided with such system including  
53 information on fire safety, where to place smoke detecting systems with-  
54 in a residence and how often to change a smoke detecting system to  
55 ensure they are functioning properly.

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

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

8 (d) oversee the distribution of smoke detecting systems to persons  
9 receiving benefits under section one hundred thirty-one-a of this chap-  
10 ter.

11 § 3. Paragraph (a) of subdivision 2 and subdivision 7 of section 68 of  
12 the multiple dwelling law, paragraph (a) of subdivision 2 as added by  
13 chapter 683 of the laws of 1985 and subdivision 7 as amended by chapter  
14 506 of the laws of 1988, are amended to read as follows:

15 (a) The owner of every multiple dwelling to which the provisions of  
16 this section apply shall equip each apartment or other separate living  
17 unit in such multiple dwelling with approved and operational smoke  
18 detecting devices in conformity with the state fire prevention and  
19 building code[, ~~provided, however, that any multiple dwelling not~~  
20 ~~subject to the provisions of such code may, in the alternative, be~~  
21 ~~equipped with battery-operated smoke detecting devices of a type~~  
22 ~~accepted by the division of housing and community renewal], and section  
23 three hundred seventy-two-a of the executive law.~~

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

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

32 (a) The owner of every multiple dwelling to which the provisions of  
33 this section apply shall equip each apartment or other separate living  
34 unit in such multiple dwelling with approved and operational smoke  
35 detecting devices in conformity with the state fire prevention and  
36 building code[, ~~provided, however, that any multiple dwelling not~~  
37 ~~subject to the provisions of such code may, in the alternative, be~~  
38 ~~equipped with battery-operated smoke detecting devices of a type~~  
39 ~~accepted by the division of housing and community renewal], and section  
40 three hundred seventy-two-a of the executive law.~~

41 § 5. This act shall take effect immediately; provided, however, the  
42 state fire prevention and building code council is authorized to promul-  
43 gate rules and regulations necessary for the implementation of the  
44 provisions of this act.