STATE OF NEW YORK

5730--B

Cal. No. 407

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. ZACCARO, SHIMSKY, GONZALEZ-ROJAS, SEPTIMO, AUBRY, RAGA, CRUZ, MAMDANI, DE LOS SANTOS, SILLITTI, NOVAKHOV, BEEPHAN, DeSTEFANO, K. BROWN, ZINERMAN, GIBBS -- read once and referred to the Committee on Governmental Operations -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the executive law, in relation to requiring the installation of smoke detectors in common places of certain dwellings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5-b of section 378 of the executive law, as amended by chapter 96 of the laws of 1988 and such subdivision as renumbered by chapter 94 of the laws of 2006, paragraphs a and d as separately amended by chapters 96 and 506 of the laws of 1988, and paragraph b as amended by chapter 82 of the laws of 1989, is amended to read as follows:

5-b. Standards for installation of single station smoke detecting alarm devices requiring that:

a. every one or two-family dwelling or any dwelling accommodation located in a building owned as a condominium or cooperative in the state used as a residence shall have installed an operable single station smoke detecting alarm device or devices,

b. such device or devices shall be installed in an area so that it is clearly audible in each bedroom or other room used for sleeping purposes, with intervening doors closed, in accordance with rules to be promulgated by the council,

c. **every multiple-family dwelling, except for a property owned or operated by a public housing authority subject to federal safety and**

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

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inspection standards pursuant to title twenty-four of the code of federal regulations, and every dwelling accommodation located in a building owned as a condominium or cooperative in the state used as a residence, shall have installed an operable single station smoke detecting alarm device or devices in an area so that it is clearly audible in each common space, with rules to be promulgated by the council. For purposes of this subdivision, common space means a space accessible by all residents, including, but not limited to, a lobby, a hallway, and a stairwell,

d. such device or devices shall be in compliance with the uniform code, provided, however, that for purposes of this subdivision, battery operated devices shall be permitted,

[~~d.~~] e. upon conveyance of any real property containing a one or two-family dwelling or a condominium unit used as a residence and the transferor of the shares allocated to an apartment located in a building owned by a cooperative housing corporation where such apartment is used as a residence, the grantor shall deliver to the grantee at the time of conveyance an affidavit indicating that the grantor is in compliance with this subdivision. The grantee shall have ten days from the date of conveyance within which to notify the grantor if the alarm or alarms are not operable. Upon notification, the transferor shall bear any cost of compliance with the provisions of this subdivision,

[~~e.~~] f. notwithstanding any other provision of law, a failure to comply with the provisions of this subdivision shall not be a breach of any warranty in a conveyance of real property, nor shall it be a defense to any claim made under a policy of insurance issued to insure the property against fire or other casualty loss.

§ 2. This act shall take effect immediately.