STATE OF NEW YORK

5730

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

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

AN ACT to amend the executive law, the multiple dwelling law, the multiple residence law and the administrative code of the city of New York, 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. Section 378 of the executive law is amended by adding a new subdivision 5-e to read as follows:

5-e. Standards for installation of smoke detectors requiring that every multiple-family dwelling, or any dwelling accommodation located in a building owned as a condominium or cooperative, or any multiple dwellings shall have installed an operable smoke detector, of such manufacture, design and installation standards as are established by the council, in all common places within such dwelling and in accordance with any other law. For purposes of this subdivision, multiple dwelling means a dwelling which is either rented, leased, let or hired out, to be occupied, or is occupied as the temporary or permanent residence or home of three or more families living independently of each other, including but not limited to the following: a tenement, flat house, maisonette apartment, apartment house, apartment hotel, tourist house, bachelor apartment, studio apartment, duplex apartment, kitchenette apartment, hotel, lodging house, rooming house, boarding house, boarding and nursery school, furnished room house, club, sorority house, fraternity house, college and school dormitory, convalescent, old age or nursing homes or residences. It shall also include a dwelling with five or more boarders, roomers or lodgers residing with any one family.

§ 2. Paragraph (a) of subdivision 2 of section 68 of the multiple dwelling law, as added by chapter 683 of the laws of 1985, is amended to read as follows:

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

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(a) The owner of every multiple dwelling to which the provisions of this section apply shall equip each apartment or other separate living unit **and each common place** 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.

§ 3. 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 **and each common place** 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.

§ 4. Section 27-979 of the administrative code of the city of New York is amended by adding a new subdivision (c) to read as follows:

(c) Approved and operational smoke detecting devices shall be installed in all common areas in all buildings within occupancy groups J-1, J-2, and J-3, except for single family dwellings.

§ 5. Section 907.2.8.3 of the New York city building code, as amended by section 10 of part C of local law number 126 of the city of New York for the year 2021, is amended to read as follows:

907.2.8.3 Smoke detectors within dwelling units and sleeping units. Smoke detectors and audible notification appliances shall be installed in dwelling units and sleeping units and shall be annunciated by dwelling unit and sleeping unit at a constantly attended location from which the fire alarm system is capable of being manually activated. Smoke detectors are required in the following areas:

1. In sleeping areas.

2. In every room in the path of the means of egress from the sleeping area to the door leading from the dwelling unit and sleeping unit.

3. In each story within the unit, including below-grade stories. For dwelling units and sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level.

4. In every common place.

§ 6. This act shall take effect on the thirtieth day after it shall have become a law. 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 to be made and completed on or before such effective date.