

# STATE OF NEW YORK

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5730--A

2023-2024 Regular Sessions

## IN ASSEMBLY

March 23, 2023

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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

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:

1 Section 1. Subdivision 5-b of section 378 of the executive law, as  
2 amended by chapter 96 of the laws of 1988 and such subdivision as renum-  
3 bered by chapter 94 of the laws of 2006, paragraphs a and d as separate-  
4 ly amended by chapters 96 and 506 of the laws of 1988, and paragraph b  
5 as amended by chapter 82 of the laws of 1989, is amended to read as  
6 follows:

7 5-b. Standards for installation of single station smoke detecting  
8 alarm devices requiring that:

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

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

17 c. every multiple-family dwelling and dwelling accommodation located  
18 in a building owned as a condominium or cooperative in the state used as  
19 a residence shall have installed an operable single station smoke  
20 detecting alarm device or devices in an area so that it is clearly audi-

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

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1 ble in each common space, with rules to be promulgated by the council.  
2 For purposes of this subdivision, common space means a space accessible  
3 by all residents, including, but not limited to, a lobby, a hallway, and  
4 a stairwell,

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

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

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

23 § 2. This act shall take effect immediately.