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FIRE SAFETY New Carbon Monoxide Rules

Carbon monoxide poisonings are extremely dangerous and potentially fatal. Benjamin Chu, MD, of the New York City Health and Hospital Corporation, recently stated that "carbon monoxide poisoning is a tragic health hazard that can be prevented when people are well informed." This issue is so important, both New York State and New York City have passed legislation requiring installation in dwellings, including cooperative and condominium units.

New York State acted first. To protect against carbon monoxide deaths, New York State implemented legislation requiring carbon monoxide detectors installed in every one- and two-family homes, plus cooperative and condominiums units as of March 3, 2003.

Underwriters Laboratories must certify the carbon monoxide detector and it must be placed in the vicinity of the bedrooms of your home. In addition, transfer agents, attorneys, and title companies require an affidavit, similar to the smoke alarm affidavit, be signed at every transfer of a house, cooperative, or condominium. This affidavit should state that the premises being transferred possess an operable carbon monoxide detector on the date of the transfer.

Despite its good intentions, the law did not apply to those dwellings in New York City. Fortunately, the city has now passed its own carbon monoxide law, which is far broader than the state legislation. On May 5, 2004, Mayor Michael Bloomberg signed the New York City Carbon Monoxide Law. The legislation will go into effect on October 5, 2004. It will have an immediate impact on cooperatives and should be read closely by all board members.

The New York City statute requires every dwelling unit where a "fossil fuel-burning furnace or boiler is locat-

ed" and is in close proximity to a source of carbon monoxide to be equipped with an operational carbon monoxide detector within 15 feet of each room used for sleeping purposes. Proposed regulations to this statute have further refined the language of the statute to include in this category "every dwelling unit within a building served by a central fossil fuel-burning furnace, boiler, or water heater that is located in an adjoining or attached building."

This law applies to all buildings, irrespective of when such building was constructed or a certificate of occupancy was issued. This law is clearly much broader than the state law, which only applies to dwellings transferred or constructed after March 2003, including cooperatives and condominiums.

The New York City law outlines the obligations of the "owner" and the "occupants" of Class A multiple dwellings and private dwellings. The owners' duties are as follows: (1) provide and install one or more approved and operational carbon monoxide detecting devices in each dwelling; (2) post notices apprising the occupants of the requirements of the new law; (3) replace within 30 days and receipt of written notice any devices which are inoperable, through no fault of the occupant; (4) provide the occupant with information regarding carbon monoxide poisoning; (5) keep records as is required by the commissioner of buildings, which have yet to be promulgated. The owner may also be reimbursed up to \$25 for each installation from the occupant.

The occupants of the each Class A dwelling are responsible for the following: (1) keeping and maintaining the devices in good repair; (2) replacing any device which is lost, missing, stolen, or rendered inoperable during their occupancy.

The law further states that once an owner in a Class A multiple dwelling installs the device, they shall not be required to keep and maintain such

device or replace any such device. This responsibility falls squarely on the occupant of the dwelling. In a Class B multiple dwelling, the owner is respon-

WHO YOU GONNA CALL?

Looking for a reliable carbon monoxide detector? *Consumer Reports* rates detectors (see ConsumerReports.org), examining sensing levels, response time, sound, powering (plug-in or battery-powered), and warranties, among other items. According to *Consumer Reports*, the major companies involved in producing detectors are American Sensors, BRK Electronics, First Alert, Kidde, Macurco, and Senco.

sible for maintaining and repairing the device. Also, it is unlawful to tamper or render inoperable a carbon monoxide device, except for maintenance purposes or to replace the batteries.

Clearly, the new law places a tremendous burden on the owner of the unit. Despite the fact that this law does not define "owner" as it affects shareholders of cooperatives, many boards at this point are preparing to purchase these detectors in bulk and install them in order to comply with the statute. However, before purchasing, please check the statute to ensure that the device complies with the requirements contained in the statute.

—Geoffrey R. Mazel
and Mark L. Hankin

Geoffrey R. Mazel and Mark L. Hankin are partners in the law firm of Hankin, Handwerker & Mazel.