



Notice of Adoption of Emergency Rule Carbon Monoxide Alarms – Commercial Buildings

New Uniform Code Provisions

Legislation adopted in late 2014 (Chapter 541 of the Laws of 2014) amended the Executive Law to require that the State Uniform Fire Prevention and Building Code (the Uniform Code) include standards for the installation of carbon monoxide detecting devices in every commercial building and restaurant that has appliances, devices or systems that may emit carbon monoxide or an attached garage.

The State Fire Prevention and Building Code Council (the Code Council) and the Department of State have adopted a rule that amends the Uniform Code by adding provisions requiring the installation of carbon monoxide detection (carbon monoxide alarms or carbon monoxide detection systems) in all new and existing commercial buildings (including, but not limited to, all buildings that contain one or more restaurants). The new Uniform Code provisions are in section 1228.4 of Part 1228 of Title 19 of the New York Codes, Rules, and Regulations (the NYCRR).

Effective Date: June 27, 2015

The rule was filed as an emergency rule on June 26, 2015, and the rule (and new Section 1228.4) became effective on June 27, 2015. The rule text is available at http://www.dos.ny.gov/DCEA/pdf/TEXTCO_20150602.pdf

Transition Period for Existing Commercial Buildings: June 27, 2015 to June 27, 2016

New Section 1228.4 includes a “transition period” for “existing” commercial buildings. (For the purposes of new Section 1228.4, a commercial building will be considered to be an “existing commercial building” if it was constructed prior to December 31, 2015, or if a complete application for the building permit for its initial construction was filed on or before December 31, 2015.)

The “transition period” for existing commercial buildings runs from June 27, 2015 to June 27, 2016. During the transition period, owners of existing commercial buildings are encouraged to install carbon monoxide detection as quickly as practicable. However, during the transition period, the owner of an existing commercial building will not be deemed to be in violation of Section 1228.4 if the owner provides the authority having jurisdiction with a written statement certifying that such owner is attempting in good faith to install carbon monoxide detection that complies with the requirements of new Section 1228.4 in such owner’s existing commercial building as quickly as practicable.

Note that the “transition period” provisions do not allow the owner of an existing commercial building to do nothing during the transition period. During the transition period, an existing commercial building that does not have carbon monoxide detection will be considered to be in violation of new Section 1228.4 unless the owner of the building provides the AHJ with a written statement certifying that the owner is attempting in good faith to install carbon monoxide detection as quickly as practicable. In addition, carbon monoxide detection that satisfies the requirements of new Section 1228.4 must be installed and must be fully operational in all existing commercial buildings by the end of the transition period.

Note also that the “transition period” applies only to existing commercial buildings. A “new” commercial building will be required to have carbon monoxide detection that complies with new Section 1228.4, even if construction of that new commercial building is completed prior to the end of the “transition period.”

Proposal for Permanent Adoption

The rule is currently effective as an emergency measure. In addition, the rule has been proposed for adoption as a permanent measure. The Notice of Emergency Adoption and Proposed Rule Making will appear in the State Register on July 15, 2015. Public comment on the proposal to adopt the rule as a permanent measure will be accepted for 60 days following publication of that notice, and may be submitted to Mark Blanke, NYS Department of State, 99 Washington Ave., Albany, NY 12231-001. In addition, a public hearing on the proposal to adopt the rule as a permanent measure will be held at 10:00 am on August 31, 2015 at Room 505, 99 Washington Ave., Albany, New York.

Rule text available: http://www.dos.ny.gov/DCEA/pdf/TEXTCO_20150602.pdf