



**CARBON MONOXIDE
DETECTORS:
IT'S THE LAW**
By Geoffrey Mazel

As we are all aware, carbon monoxide poisonings are extremely dangerous and potentially fatal. Benjamin Chu, MD, of the New York City Health and Hospital Corporation recently stated, "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 the installation in dwellings including cooperative units and condominium units.

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

The carbon monoxide detector must be UL certified and it must be placed in the vicinity of the bedrooms in 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 possesses an operational carbon monoxide detector on the date of the transfer.

Despite the good intentions of this law, the law did not apply to those dwellings in the City of New York. Fortunately, New York City has now passed its own carbon monoxide law, which is far broader than the state's legislation. On May 5, 2004, Mayor 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 located" and is in close proximity to a source of carbon monoxide to be equipped with an operational carbon monoxide detector within fifteen feet of each room used for sleeping purposes.

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.

It is the responsibility of the owner to ensure that their residence has an operational carbon monoxide detector. A notice must be posted in a common area that the owner is required by law to install carbon monoxide detectors in each dwelling unit. The city will require the owner of such dwelling unit to keep records as to the installation and maintenance of carbon monoxide detecting devices and such records must be made available to the city upon request.

Therefore, your board of directors should inform their shareholders of this new law and make sure everyone complies. It is a life saving measure that is inexpensive and simple to implement.

Mr. Mazel practices exclusively in the area of cooperative and condominium representation. His firm, Hankin, Handwerker & Mazel, PLLC, represents several significant developments in New York City. He is also a member of the Bar Association of the City of New York - Cooperative and Condominium Committee.