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Administrative Directive

Transmittal:	10-OCFS-ADM-02
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies Directors of Residential Programs for Victims of Domestic Violence
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	February 22, 2010
Subject:	Standards of Installation and Maintenance of Carbon Monoxide Detectors and Amanda's Law
Suggested Distribution:	Directors of Services Child Welfare Supervisors Staff Development Coordinators
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Attachments:	No
Attachment Available Online:	http://www.dos.state.ny.us/code/COAlarm.htm#amandalaw

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		Title 18 NYCRR 435.6(b),442.5 (a), 443.3(a), 447,2(b),448.3 (d), 449.4(b) 453.8(a), 454.9(d) and 455.9(a)	Executive Law 378 Title 19 NYCRR §1220.1(d) in Part 1220 and §1225.1 in Part 1225		

I. Purpose

The purpose of this Administrative Directive is to advise local departments of social services (LDSS), voluntary authorized agencies, and residential programs for victims of domestic violence of the requirements of installing and maintaining carbon monoxide detectors as per the amendments promulgated by the New York State Department of State to the New York State Uniform Fire Prevention and Building Code to implement Amanda’s Law.

II. Background

Amanda’s Law (Chapter 367 of the Laws of 2009) amended section 378 of the Executive Law regarding the standards for the installation of carbon monoxide detectors in one- or two-family homes and other dwellings, including any multiple dwelling. Amanda’s Law and the corresponding amendments to the New York State Uniform Fire Prevention and Building Code establish new requirements for installation of carbon monoxide detectors in buildings. Under the revised statute and regulations, one-family homes, two-family homes, dwellings located in condominiums or cooperatives, and multiple dwellings that have a carbon monoxide source must have a carbon monoxide detector installed regardless of the date of construction or sale of the building. If a building does not have a carbon monoxide source as defined below, these standards do not apply, provided, however, that compliance with the requirements referenced in this directive will be required if any carbon monoxide source is subsequently located with or attached to the licensed, certified or approved structure.

Amanda’s Law references “carbon monoxide detectors,” while the New York State Uniform Fire Prevention and Building Code uses the term “carbon monoxide alarms.” For the purposes of this directive, those terms mean the same devices and are used interchangeably.

The law was named after Amanda Hansen, a teenager whose life was tragically ended by a carbon monoxide leak from a defective boiler while she was sleeping at a friend's house in January 2009.

Amanda's Law and the amendments to the New York State Uniform Fire Prevention and Building Code referenced in this directive take effect on February 22, 2010.

III. Program Implications

Current New York State Office of Children and Family Services (OCFS) regulations require compliance with all applicable state and local health and safety laws and regulations with regard to the provision of respite care and for the operation of residential programs for foster children and victims of domestic violence. In order to comply with such standards, carbon monoxide detectors must be installed and maintained as specified in the new standards referenced in this directive.

As noted, Amanda's Law and the corresponding amendments to the New York State Uniform Fire Prevention and Building Code apply to all homes and other dwellings. As such, they apply to the operation of child welfare institutions (including group residences), group homes, agency-operated boarding homes, certified and approved foster family boarding homes, supervised independent living units, and approved respite providers. They also apply to residential programs for victims of domestic violence.

Section R313.4.6 of the New York State Fire Prevention and Building Code contains the following provision:

Buildings under custody, licensure, supervision or jurisdiction of a department or agency of the State of New York. A building which is under the custody, licensure, supervision or jurisdiction of a department or agency of the State of New York and which is regulated as a one or two-family dwelling or multiple single-family dwelling (townhouse), in accordance with established laws or regulations of such department or agency, *shall have carbon monoxide alarms installed in accordance with the stricter of the requirements of this section or the requirements of section F611 of the Fire Code of New York State.*

The impact of section RR313.4.6 is that for some residential programs, the stricter of the requirements of the Residential Code (RR313) and the Fire Code (F611) set forth in the New York Uniform Fire Prevention and Building Code will apply in regard to the installation of carbon monoxide detectors. This directive will divide the categories of residential child welfare and domestic violence residential programs by those that are not subject to the stricter requirements and those that are.

For homes and facilities located in the City of New York, OCFS will apply the standards contained in the New York City Building Code in regard to compliance with the requirements of Amanda's Law. Programs in New York City should reach out to their local fire and safety representatives with any questions regarding compliance.

IV. **Required Action**

Residential Programs Not Subject to the Stricter Requirements

Based on its licensure status with OCFS, the residential programs noted below are **not** subject to the application of the stricter requirements of the building code and the fire code as referenced above in RR313.4.6.

For the purposes of Amanda's Law and the amendments to the New York Uniform Fire Prevention and Building Code, compliance by the programs noted below with the standards set forth in the residential code (RR313) dealing with the installation of carbon monoxide detectors meets the requirements of such statute and regulations

The residential programs **not** subject to the stricter of the requirements of the Residential Code (R313) and the Fire Code (F611) relating to the installation of carbon monoxide detectors are the following:

1. **Approved individual respite home providers (18 NYCRR 435.6)**
2. **Certified or approved foster family boarding homes (18 NYCRR Part 443)**
3. **Certified, supervised independent living [SILP] units (18 NYCRR Part 449)**
4. **Approved safe homes (18 NYCRR Part 454)**
5. **Designated safe dwellings (18 NYCRR Part 455)**

The standards for the above referenced homes, units or dwellings are set forth in section RR313 of the Residential Code of New York State Uniform Fire Prevention and Building Code as follows:

RR313.4

Carbon monoxide alarms. This section covers the installation, performance and maintenance of carbon monoxide alarms and their components in new and existing buildings. The requirements of this section shall apply to all new and all existing buildings, without regard to the date of construction of the building and without regard to whether such building shall or shall not have been offered for sale.

Exception: Compliance with this section is not required where no carbon monoxide source is located within or attached to the structure. However, compliance with this section is required if any carbon monoxide source is subsequently located within or attached to the structure.

For the purposes of this section RR313.4, the following terms will have the following meanings:

The term “**carbon monoxide source**” includes fuel fired appliances, equipment, devices and systems; solid fuel burning appliances, equipment, devices and systems; all other appliances, equipment, devices and systems that may emit carbon monoxide; fireplaces; garages; and all other motor vehicle-related occupancies.

The term “**dwelling unit**” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

The term “**sleeping area**” means a room or space in which people sleep.

The term “**sleeping unit**” means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

In the case of a building constructed on or after January 1, 2008, a carbon monoxide alarm shall be installed in each of the following locations:

1. Within each dwelling unit or sleeping unit, on each story having a sleeping area.
2. Within each dwelling unit or sleeping unit, on each story where a carbon monoxide source is located.

One carbon monoxide alarm installed on a story of a dwelling unit or sleeping unit having both a sleeping area and a carbon monoxide source shall suffice for that story within that dwelling unit or sleeping unit.

In the case of a building constructed before January 1, 2008, a carbon monoxide alarm shall be installed in each of the following locations:

1. Within each dwelling unit or sleeping unit, on the lowest story having a sleeping area.

When more than one carbon monoxide alarm is required to be installed within an individual dwelling unit, the alarms shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all sleeping areas over background noise levels with all intervening doors closed.

Exception: Interconnection is not required where carbon monoxide alarms are permitted to be battery operated in accordance with section RR313.4.2.

All carbon monoxide alarms shall be listed and labeled as complying with UL 2034 or CAN/CSA 6.19, and shall be installed in accordance with the manufacturer's installation instructions and this code.

RR313.4.1

Prohibited locations. Carbon monoxide alarms shall not be located within or near the openings to garages, bathrooms or furnace rooms. Carbon monoxide alarms shall also not be located in or near locations specified as “prohibited,” “not recommended” or the like in the manufacturer’s installation instructions.

RR313.4.2

Power source. The required carbon monoxide alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source or an on-site electrical power system; and, when primary power is interrupted, they shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exception. Carbon monoxide alarms shall be permitted to be battery operated when installed in buildings without commercial power or an on-site electrical power system or in buildings constructed before January 1, 2008.

RR313.4.3

Maintenance. Carbon monoxide alarms shall be maintained in an operative condition at all times, shall be replaced or repaired where defective, and shall be replaced when they cease to operate as intended.

RR313.4.4

Disabling of alarms. Carbon monoxide alarms shall not be removed or disabled, except for service or repair purposes.

RR313.4.5

One-family dwellings converted to bed and breakfast dwellings. One-family dwellings converted to bed and breakfast dwellings shall have carbon monoxide alarms installed in accordance with the requirements of section F611 of the Fire Code of New York State.

Residential Programs Subject to the Stricter of the Requirements of the Residential Code (RR313) and the Fire Code (F611)

Because of the issuance of an operating certificate by OCFS, buildings operated for the categories of residential programs noted below are subject to the provisions of RR313.4.6 relating to the application of the stricter of the Residential Code and the Fire Code. The stricter of the requirements of the Residential Code (RR313) and the Fire Code (F611) apply to the installation of carbon monoxide detectors in the following residential programs for which an OCFS has issued an operating certificate:

1. **Institutions (18 NYCRR Part 442)**
2. **Group homes (18 NYCRR Part 448)**
3. **Agency-operated boarding homes (18 NYCRR Part 447)**
4. **Domestic violence shelters and domestic violence programs (18 NYCRR Part 453)**

The Fires Code standards in the New York State Uniform Fire Prevention and Building Code relating to carbon monoxide detectors are as follows:

F611: Carbon Monoxide Detectors

F611.1

General. This section covers the application, installation, performance, and maintenance of carbon monoxide alarms and their components in new and existing buildings and structures. The requirements of this section shall apply to all new buildings and structures and to all existing buildings and structures, without regard to the date of construction of the building or structure and without regard to whether such building or structure shall or shall not have been offered for sale.

F611.1.1

Definitions. For the purposes of this section §F611, the following terms shall have the following meanings:

Carbon monoxide source: The term “carbon monoxide source” includes fuel fired appliances, equipment, devices and systems; solid fuel burning appliances, equipment, devices and systems; all other appliances, equipment, devices and systems that may emit carbon monoxide; fireplaces; garages; and all other motor vehicle-related occupancies.

Dwelling unit: The term “dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Existing buildings and structures: The term ‘existing buildings and structures’ means buildings and structures constructed before January 1, 2008.

Multiple dwelling. The term “multiple dwelling” means a dwelling that 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; and a dwelling, two or more stories in height, and with five or more boarders, roomers or lodgers residing with any one family.

New buildings and structures. The term “new buildings and structures” means buildings and structures constructed after December 31, 2007.

The term “**sleeping area**” means a room or space in which people sleep.

The term “**sleeping unit**” means a room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

F611.2

Equipment: Carbon monoxide alarms shall be listed and labeled as complying with UL 2034 or CAN/CSA 6.19, and shall be installed in accordance with the manufacturer's installation instructions and this section.

F611.2.1

Combination smoke and carbon monoxide alarms: Combination smoke and carbon monoxide alarms are permitted provided the alarm is listed for such use. Combination smoke and carbon monoxide alarms shall have distinctly different alarm signals for smoke or carbon monoxide alarm activation.

F611.3

Where required: Single and multiple station carbon monoxide alarms shall be provided in the locations described in this section.

Exception: Compliance with this section is not required where no carbon monoxide source is located within or attached to the structure. However,

compliance with this section is required if any carbon monoxide source is subsequently located within or attached to the structure.

F611.3.1

New buildings and structures: one- and two-family dwellings, multiple single-family dwellings (townhouses), and buildings owned as a condominium or cooperative and containing dwelling accommodations. A carbon monoxide alarm shall be installed in each of the following locations:

1. Within each dwelling unit or sleeping unit, on each story having a sleeping area.
2. Within each dwelling unit or sleeping unit, on each story where a carbon monoxide source is located

One carbon monoxide alarm installed on a story of a dwelling unit or sleeping unit having both a sleeping area and a carbon monoxide source shall suffice for that story within that dwelling unit or sleeping unit.

F611.3.2

New buildings and structures: Group I-1 occupancies. A carbon monoxide alarm shall be installed in the each of following locations:

1. On each story having a sleeping area.
2. On each story where a carbon monoxide source is located.

One carbon monoxide alarm installed on a story having both a sleeping area and a carbon monoxide source shall suffice for that story.

F611.3.3

New buildings and structures: Group R occupancies not covered by section F611.3.1 or section F611.3.2, nursery schools (with sleeping units) not covered by section F611.3.1 or section F611.3.2, bed and breakfast uses not covered by section F611.3.1 or section F611.3.2, and multiple dwellings not covered by section F611.3.1 or section F611.3.2. A carbon monoxide alarm shall be installed in each of the following locations:

1. In each dwelling unit or sleeping unit where a carbon monoxide source is located. In a multiple-story dwelling unit or sleeping unit, a carbon monoxide alarm shall be installed on each story having a sleeping area and on each story where a carbon monoxide source is located. One carbon monoxide alarm installed on a story having both a sleeping area and a carbon monoxide source shall suffice for that story.

2. In each dwelling unit or sleeping unit that is on the same story as a carbon monoxide source.

F611.3.4

Existing buildings and structures: one- and two-family dwellings, multiple single-family dwellings (townhouses), and buildings owned as a condominium or cooperative and containing dwelling accommodations. A carbon monoxide alarm shall be installed within each dwelling unit or sleeping unit on the lowest story having a sleeping area.

F611.3.5

Existing buildings and structures: Group I-1 occupancies. A carbon monoxide alarm shall be installed on each story having a sleeping area.

F611.3.6

Existing buildings and structures: Group R occupancies not covered by section F611.3.4 or section F611.3.5, nursery schools (with sleeping units) not covered by section F611.3.4 or section F611.3.5, bed and breakfast uses not covered by section F611.3.4 or section F611.3.5, and multiple dwellings not covered by section F611.3.4 or section F611.3.5. A carbon monoxide alarm shall be installed in each of the following locations:

1. In each dwelling unit or sleeping unit where a carbon monoxide source is located. In a multiple-story dwelling unit or sleeping unit, a carbon monoxide alarm shall be installed on the lowest story having a sleeping area.
2. In each dwelling unit or sleeping unit that is on the same story as a carbon monoxide source.

F611.3.7

Work completed within one- and two-family dwellings, multiple single-family dwellings (townhouses), buildings owned as a condominium or cooperative and containing dwelling accommodations, Group R occupancies, bed and breakfast uses not covered by section F611.3.8, and multiple dwellings not covered by section F611.3.8. Where work includes the addition or installation of a carbon monoxide source, the construction of a chimney, or the connection of the building to a garage or to any other motor vehicle-related occupancy, a carbon monoxide alarm shall be installed within each dwelling unit or sleeping unit on the lowest story having a sleeping area.

F611.3.8

Work completed within Group I-1 occupancy. Where work includes the addition or installation of a carbon monoxide source, the construction of a chimney, or the connection of the building to a garage or to any other motor vehicle-related occupancy, a carbon monoxide alarm shall be installed on each story having a sleeping area.

F611.4

Prohibited locations. Carbon monoxide alarms shall not be located within or near the openings to garages, bathrooms, or furnace rooms. Carbon monoxide alarms shall also not be located in or near locations specified as “prohibited,” “not recommended” or the like in the manufacturer’s installation instructions.

F611.5

Power source. When the building wiring is served from a commercial or on-site power source, carbon monoxide alarms shall receive their primary power from the building wiring; and, when primary power is interrupted, they shall receive power from a battery. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.

Exceptions:

1. Carbon monoxide alarms installed in buildings without a commercial or on-site power source shall be permitted to be battery operated.
2. In existing buildings and structures, cord-type, direct plug, or battery-operated carbon monoxide alarms shall be permitted.

F611.6

Interconnection. When more than one carbon monoxide alarm is required to be installed within an individual dwelling unit or sleeping unit, the alarms shall be interconnected.

Exception: Interconnection is not required where cord-type, direct plug, or battery-operated carbon monoxide alarms are permitted.

F611.7

Maintenance. Carbon monoxide alarms shall be maintained in an operative condition at all times, shall be replaced or repaired where defective, and shall be replaced when they cease to operate as intended.

F611.8

Disabling of alarms. Carbon monoxide alarms shall not be removed or disabled, except for service or repair purposes.

Fire Safety Inspections shall include documentation to reflect compliance with the revised standards. In the event that you have any questions surrounding the requirements as stated in either set of revised standards, your regional Fire Safety resource should be contacted for assistance.

IV. Systems Implications

There are no system implications at this time.

V. Effective Date

The revised standards take effect February 22, 2010.

/s/ Nancy Martinez

Issued By:

Name: Nancy Martinez

Title: Director

Division/Office: Strategic Planning and Policy Development