



Many residential buildings slow to respond to new FDNY requirements – is your building compliant? - by Evan Lipstein

April 17, 2018 - Spotlights

Another fire tragedy occurred in NYC most recently, this time in Trump Tower. A fire broke out on the 50th floor on Saturday, leaving one man dead and six firefighters injured. The chance of a fire occurring without warning is all too real, fires don't discriminate whether you live in Trump Tower or Brownsville—fires can be and are often deadly occurrences that occur with zero warning.

The FDNY rule 3 RCNY §505-01, "Apartment and Guest Room Identification and Directional Markings and Signs," set requirements for the design and placement of signs for apartments and stairwells and in identifying multi-floor apartments to assist emergency personnel in locating persons when responding to fires, medical emergencies and other emergencies. The low-mounted signs identify apartment numbers in smoke conditions that obscure the eye-levels signs. These signs help firefighters quickly conduct search and rescue operations.

On March 30th 2018 almost all residential apartment buildings were required to install apartment door and stair exit markings for dwelling units in Group R-1 and Group R-2 buildings and occupancies as well as building lobby and building hallway corridor directional signs. Local Law 3RCNY 505-01/02 ordered by the FDNY made mandatory compliance in the interest of public safety.

What's most alarming is many building owners are ignoring that these new signs are required and the deadline has passed. Simply stated, if your property is required to install the 3RCNY505-01/02 signs the final compliance date for all affected buildings was March 30th 2018 and the FDNY has begun enforcing the provisions of the law.

Fines are a costly nuisance but this just scratches the surface of the real issue. The much more important issue owners and managers must realize is their liability exposure. A local law to improve safety has been decreed; disobeying this law opens up to the potential for being held civilly or even criminally negligent if a tragedy should occur.

There is a legal term known as, "Negligent Failure to Plan." Building owners and managers, even the individual tenants occupying buildings have a legal duty to exercise reasonable care in providing a safe residency. Building owners must understand that they will be considered negligent if they do not follow the local law requirements and take the required steps to eliminate or diminish known foreseeable risks that could cause harm. Understand this; there is now a local law requiring 3RCNY505-01/02 signs... Obey this law or face the potential for numerous repercussions.

The essence of the concept of liability is the negligent failure to plan for accidents. The foundation of a negligence claim is straightforward. If there is a duty under the law; any breach of that duty, by failure to exercise a standard of care of a reasonably prudent person in similar circumstances; and damages that are directly caused by such breach that result in resulting physical injuries or death will undoubtedly have devastating consequences both financial and legal.

Evan Lipstein is the president and owner of Hyline Safety Company, Manhattan, N.Y.

New York Real Estate Journal - 17 Accord Park Drive #207, Norwell MA 02061 - (781) 878-4540