



## **Many residential apartment buildings have ignored new safety requirements due to ignorance of new rules - by Evan Lipstein**

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On June 1st of 2016 a new rule enforced by the FDNY was made a local law requirement. 3 RCNY §505-01, "Apartment and Guest Room Identification and Directional Markings and Signs," set new requirements for the design and placement of entrance door room markings for all residential properties in Group R-1 and Group R-2. These new rules state that residential properties install hallway corridor directional signs to assist emergency response personnel in locating apartments when responding to fires, medical emergencies and other emergencies.

FDNY also set a second rule, 3 RCNY §505-02, "Apartment, Guest Room and Stairwell Fire Emergency Markings," which requires placement of entrance door fire emergency markings for apartment and hotel doors in R-1 and R-2 and on stairwell doors also used to assist firefighters in locating units and stairwells and in identifying multi-floor units.

The marking of entrance doors with emergency markings is designed to assist fire fighting and other first responders and provide improved safety to building occupants. The markings enable firefighters to identify apartment numbers in smoke conditions that obscure the regular (eye-level) door numbers. The markings help firefighters more quickly conduct search and rescue operations.

Additionally, there are other markings used to identify multi-floor dwelling units so firefighters can determine whether they are entering the lower level of an apartment, rather than the upper level of an apartment, where temperatures may be unsafe during a fire.

There are also emergency markings used in identifying apartments that are joined horizontally (units combined into a single dwelling). Combined units doors are to be marked with a star or a triangle to indicate whether they are a main entrance or a secondary entrance.

The requirement for markings on doors even extends to entrance doors lawfully obstructed from inside by furniture or even when sealing the door with sheetrock, giving the appearance of an unobstructed entrance door from the hallway. These blocked entrance doors are still required to be identified as a secondary entrance. Depending upon fire conditions its possible that even a lawfully

obstructed entrance could be the only or safest means entering an apartment.

There are additional requirements for recordkeeping. Buildings must perform their own compliance inspections and maintain a log book. Records of the inspections with dated entries require that the building was inspected, showing the date, name, signature of the person who performed the inspection, and whether the markings or signs that require repair or replacement.

Under FDNY §505-02 Apartment, Guest Room and Stairwell Fire Emergency Markings the deadlines are as follows: Buildings and occupancies existing on May 31st 2016, shall be brought into compliance with the marking requirements by March 30th, 2018, except that buildings with multi-floor dwelling units (duplexes, triplexes) must have installed the correct fire emergency markings by March 30. That deadline has already past, so those properties are now subject to penalties.

Fines are a nuisance and can be costly but this only scratches the surface of the real issue. Property owners need to realize there is huge liability exposure. A local law requirement designed to improve safety has been decreed; if building owners disregard this law it opens up to the potential for criminal negligence if a tragedy should occur as a result of non-compliance.

Building owners and managers as well as the individual tenants occupying their buildings have a legal duty to exercise reasonable care in providing a safe occupancy. Obey this law or face numerous repercussions.

Building owners and managers must avoid the potential of civil / criminal negligence. If there is a duty under the law; any breach of that duty, by the failure to exercise the standard of care of a reasonably prudent person in similar circumstances; and damages that are proximately caused by such breach. Damages that result in resulting physical injuries or death will undoubtedly have devastating consequences both financial and legal. Owners have been warned.

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