



Residential apartment buildings and hotels must pay attention to new FDNY safety requirements - by Evan Lipstein

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In June 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 rule mandates 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 made a second rule, 3 RCNY §505-02, "Apartment, Guest Room and Stairwell Fire Emergency Markings," which requires placement of apartment door entrance emergency markings for apartment and hotel doors in Occupancy Class R-1 and R-2. This new rule mandates markings on apartment, hotel room and Exit stairwell doors to assist firefighters in locating the apartments and hotel rooms and exit stairwells and in locating and identifying multi-floor units that may have more than one entrance.

The marking of apartment and hotel entrance doors with the new required emergency markings is to assist fire fighting and other first responders find the units in a smoke filled hallway, providing improved safety to building occupants. The markings enable firefighters crawling on hands and knees 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. Other symbols are used on the markings to identify multi-floor dwelling units (duplexes and triplexes) 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 in units that have been combined into a single dwelling. Combined units doors are to be marked with a star on a primary entrance or a triangle to indicate whether a secondary entrance.

The requirement for markings on doors extends to entrance doors that are lawfully obstructed from inside by furniture, even in cases where the door is covered 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 the date of inspection, name of person conducting the inspection, 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 31, 2016, shall be brought into compliance with the marking requirements by March 30, 2018, except that buildings with multi-floor dwelling units (duplexes, triplexes) must have installed the correct fire emergency markings by March 30, 2017. That deadline has already past, so those properties are now subject to penalties.

It cannot be understated that fines are a nuisance and can be very costly but this only scratches the surface of the real issue. Property owners need to realize there is huge liability exposure for non-compliance. This new local law requirement designed to improve safety has been made a matter of public record; if building owners disregard this law it opens up to the potential for civil penalties and much more serious criminal negligence if a tragedy should occur as a result of non-compliance.

Building owners and property managers as well as the individual tenants occupying their buildings have a responsibility and legal duty to exercise reasonable care in providing a safe occupancy to their building's occupants. Building owners and property managers must obey this law or face serious 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.

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