



**James G. Dibbini**  
J.D., C.P.A., M.B.A.



**JAMES G. DIBBINI  
& ASSOCIATES, P.C.**

*Attorneys At Law*

570 Yonkers Avenue - Yonkers, NY 10704  
TEL (914) 965-1011- FAX (914) 965-0019

## **Does your Building and Units Comply with the Newly Introduced Amanda's Law?**

On February 22, 2010, a new law known as "Amanda's Law" took effect that strengthens the carbon monoxide detector requirements for residential homes and apartments. The New York State Legislature enacted this law in response to the death of a 16-year-old girl who died from carbon monoxide poisoning from a defective boiler while at a sleepover at her friend's house.

The New York Executive Law and the Residential Code of New York State contain important provisions, which property owners need to be aware of with regard to the new carbon monoxide standards.

Before Amanda's Law, NYS law required carbon monoxide detectors in one and two-family dwellings, as well as condos or coops only if constructed or offered for sale after July 30, 2002. In addition, with multiple dwellings, (such as a tenement, hotel or apartment house) carbon monoxide detectors were only required if constructed or offered for sale after August 9, 2005.

Now, all one and two-family dwellings, residential condos and coops, and any multiple dwellings must have an operable carbon monoxide detector installed. Amanda's law also lists standards for installation of the carbon monoxide detectors. For example, the law requires the carbon monoxide detector to be installed in an area so that it is clearly audible in each bedroom or other room used for sleeping purposes, even with all doors closed. Please note that battery operated devices are permitted in most cases.

New York State Compilation of Codes, Rules and Regulations (NYCRR) contains additional rules regarding carbon monoxide detectors. These rules further clarify the statute previously discussed while also imposing additional guidelines. For example, for "dwelling units" or "sleeping units" with multiple levels, in buildings constructed on or after January 1, 2008, a carbon monoxide detector must be placed within each unit on each story having a sleeping area and on each story where a "carbon monoxide source" is located. For buildings constructed prior to January 1, 2008, Amanda's law still imposes the mandatory carbon monoxide detector requirement, but the NYCRR limits it to the lowest story of a particular unit (obviously, this only applies if the unit is multi-leveled).

The NYCRR imposes other requirements that should be adhered to as well. For example, there are "prohibited locations" where the carbon monoxide alarms can not be located such as near the openings to garages, bathrooms or furnace rooms.

Further, the statute requires sellers of any real property containing a one or two-family dwelling or the seller of a residential condo or coop unit to deliver an affidavit to

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the buyer indicating that he/she is in compliance with the provisions of this carbon monoxide law.

Please visit <http://www.dos.state.ny.us/code/COAlarm.htm> for more information on Amanda's Law or contact James G. Dibbini & Associates, P.C. for information regarding this law or with any other real estate questions and concerns.

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