



FIDELITY NATIONAL TITLE UPDATES

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SPECIAL EDITION

NOV 27, 2002 NYS FIRE CODE REQUIRES CARBON MONOXIDE DETECTORS IN ONE - TWO FAMILY DWELLINGS, COOPS & CONDO'S

Effective November 27, 2002 sellers of residential one or two family dwellings constructed or offered for sale *after the effective date* shall have installed an operating Carbon Monoxide Detector (CMD). Executive Law § 378 has been amended by C. 257 of the Laws of 2002 (formerly bill Assembly number 2424) to add a new subdivision 5-a which reads –

§ 378. Standards for New York state uniform fire prevention and building code

The uniform code shall address the following subjects:

...

5-a. Standards for installation of carbon monoxide detectors requiring that every one or two-family dwelling or any dwelling accommodation located in a building owned as a condominium or cooperative in the state, constructed or offered for sale after the effective date of this subdivision, shall have installed an operable carbon monoxide detector of such manufacture, design and installation standards as are established by the council. (Emphasis added).

Subdivision 5-a is new and is not related to the three subdivisions of § 378 all numbered as "5" which deal separately with; i) Standards for hotels motels and lodging houses requiring notices to be posted; ii) Standards for inspection of solid fuel burning heating appliances, chimneys and flues; and lastly, iii) Standards for installation of single station smoke detecting alarm devices (it may be noted there are also two subdivision numbered "12" in ' 378 not relevant here). Subdivision 5-a unlike subdivision 5(d) (Smoke Detector Alarms) does not require that proof of the installation of a CMD alarm be submitted when recording a deed or that an affidavit be provided by a seller to a purchaser such as with § 5(D)

(Smoke Detector Alarms). Establishing compliance with the section is left solely to the buyer and seller.

In a related development there is a similar and considerably longer bill currently pending in the State Assembly (A. 0655-A) and in the Senate (S. 0524-A) which would also require installation of a CMD alarm in each bedroom of a multiple dwelling. The Assembly and Senate versions, identical in content, also includes a requirement for CMD's to be installed in owner occupied one and two family dwellings, cooperative and condominium units. It appears that C. 257, Laws of 2002 referred above is overlapped somewhat by this pending bill. Moreover, A. 0655-A is a more complicated piece of legislation which further provides for a new subdivision 4-A (multiple dwellings including cooperatives and condominiums), amends subdivision 8 (hotels, motels and lodging houses). The proposed bill contains a limitation, in that CMD alarms would be required only where the structure contains or is "serviced by gas-fueled or oil fueled appliance or device". The proposed bill also amends the Multiple Dwelling Law to add a new § 68-A requiring CMD alarms and follows the requirements for smoke detection alarm systems and imposes other requirements concerning the installation and maintenance by both landlord and tenant.

The bill is currently in committee in both houses. It would seem that in view of the previous passage and enactment of C. 257, L. 2002 (A. 2424-A) the pending bill should be further amended to delete the owner occupied one or two family dwellings, cooperatives apartments and condominium units from its reach. It would also behoove the legislature to clean up the numbering system of § 378 to lessen the confusion caused by its multiple subdivisions having the same paragraph number designations.

JAN 1, 2003 NYC COUNTIES TO REQUIRE EQUALIZATION & ASSESSMENT FORMS

Effective January 1, 2003, pursuant to C. 259 of the Laws of 2002, amending **Real Property Law § 333(iv)(1-e)**, the offices of the New York City Register (*New York, Kings Queens and Bronx Counties*) and the Richmond County Clerk will require that an **Equalization and Assessment Form** be submitted in addition to the currently required tax returns (*NYC RPT & TP-584*) and required forms.

The City is now in the process of creating a special single page version of the *RP-5217 Form* for use only within the City and when available, the form can be obtained from this Company or from the City of NY, Department of Finance website. In the event that the City fails to make the new form public by January 2nd (the first business day of the year) the City Register has indicated that his offices will accept a single page executed copy of the current *RP-5217* form. As of January 2, 2003 the City will also be implementing its *ACRIS* recording system under which all documents, including tax forms, will be scanned into its records, the form must comprise only a single page and not be the multi-part form used elsewhere in the State. ***If the City form becomes available prior to the effective date the City will require new form will and will not accept the multi page E&A Form.***

A charge of \$25.00 will be imposed on the filing of the *City's E&A Form* in substitution for the same charge previously imposed on the filing of the *NYC RPT*. As a result this change in procedure the *NYC RPT* will no longer serve as the source of the

information for the State's Department of Equalization and Assessment and therefor no charge will be imposed for the filing of the *NYC RPT*.

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