



Commonwealth of Massachusetts
**DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT**

PUBLIC HOUSING NOTICE: 2006-7

**DHCD CARBON MONOXIDE ALARM COMPLIANCE
PROGRAM FOR STATE-SUPPORTED PUBLIC HOUSING**

To: All Local Housing Authorities
From: Marc A. Slotnick, Associate Director for Public Housing and Rental Assistance
Ray Frieden, Director, Bureau of Housing Development and Construction
Date: May 23, 2006
cc: MassNAHRO, MAHAMS, HUD – Office of Public Housing

GOAL:

For the Local Housing Authorities (LHA) with state-supported public housing units that ask for assistance under this program: to achieve substantial compliance with the requirements of Chapter 123 of the Acts of 2005 by 12-31-2006.

STATUTE:

Chapter 123 of the Acts of 2005 (Nicole's Law)

REGULATIONS:

527 CMR 31.00 Carbon Monoxide Alarms

SUMMARY OF REQUIREMENTS:

The Regulation requires that LHAs that own or operate residential buildings or structures that have fuel-burning equipment in them, equip them with working and Listed Carbon Monoxide Alarm Protection (CO Alarms) on each habitable floor *and* within 10 feet of *every* bedroom door. Listed CO Alarms include battery operated, plug-in, hard wired, wireless and combination types. The deadline for compliance for LHAs is midnight of 12/31/06. (reference 527 CMR 31.00 for the exact requirements)

SUMMARY OF PROGRAM:

DHCD has determined that compliance with the law can best be accomplished by installing battery-operated CO Alarms. DHCD will make approved quantities of these units available to all LHAs who apply for such assistance. DHCD will also arrange for payment for such CO Alarms through lead LHAs in each region. This process should be largely transparent to individual LHAs. DHCD will provide an installation allowance for each of these CO Alarms. The CO Alarms will be provided through a statewide bulk purchase program. The installation allowance for 'surplus' Authorities will be provided by a budget exemption. For those authorities which receive an operating subsidy, a payment will be made upon a certification by the authority that all Alarms have been properly installed and are working.

There is a provision in the regulation for installing hard-wired, monitored CO Alarms in and around every Centralized Fossil Fuel Burning Equipment (CFFBE) in lieu of installing CO Alarms in every unit. DHCD believes that this option offers no more protection to tenants than the individual CO Alarms located in each apartment and that, in almost every case, it is more expensive and problematic. Hence, this program is to provide CO Alarms in every apartment. If an LHA believes, however, that this option is less expensive than individual CO Alarms in a particular situation, the Executive Director should contact Joseph DiMare (see below) to arrange for a preliminary evaluation of the conditions at the particular development.

PROGRAM DETAILS:

1) Bulk Purchase: DHCD has researched the price and availability of battery-operated CO Alarms purchased through the COMPASS system. NorthEast Electrical Supply had the lowest quote for such CO Alarms, including batteries and delivery, when purchased in bulk for the majority of LHAs. DHCD will make approved quantities of these units available to all LHAs who apply for such assistance. DHCD will also arrange for payment for such CO Alarms through lead LHAs in each region. This process should be largely transparent to individual LHAs.

NorthEast Electrical, the vendor for the Alarms, and Kidde, the manufacturer, have agreed to give individual LHAs this same price for Alarm units to be used in Federal (HUD) developments. You will need to make your own, separate ordering and payment arrangements directly with NorthEast for such Alarm units, however. Mr. Garber (see below) will be glad to help.

2) Installation Allowance: LHAs will be given an allowance to cover the cost of installation of CO Alarms at the rate of \$5.00 per Alarm location – either as a payment or a budget exemption.

3) Location of CO Alarms: Accompanying this letter is a copy of the regulation plus some instructions and diagrams produced by the Fire Marshal's Office to help you figure out where you will need to install CO Alarms in order to comply with the law. You should also consult with your local Fire Department. You or a member of your staff should survey your portfolio immediately to determine where you will need to locate CO Alarms and thus how many CO Alarms you will need. DHCD will provide technical assistance to the extent that it can, but each LHA will be expected to have surveyed 100% of its portfolio so that technical assistance can be complete and narrowly focused. Prior to actual installation, you and your staff should carefully review the manufacturer's instructions for installation as well.

4) Procedures: DHCD will be responsible for funding the program, the approval of purchase orders, and technical assistance to each LHA. The Somerville and Worcester Housing Authorities will also fund their own CO Alarm programs. The goal of the program is to provide for the safe and reliable fire and life safety protection of all residents of LHA.

In order to apply for assistance under this program, fill out the included application order form, sign it and send it to Aaron Beineke at DHCD. Once the number of CO Alarms needed by your LHA to comply with the law has been approved, a copy of the approved form will be returned to you, a copy will be sent to NorthEast and a copy sent to your lead LHA. You will now be ready to call NorthEast (Howard Garber, see below) and make delivery arrangements. If on site storage is a problem, NorthEast Electrical has agreed to make a limited number of partial shipments as long as each partial delivery (except for the last one) consists of a multiple of 10 Alarms. Your signature on the delivery receipt is DHCD's assurance that you received that number of Alarms. That is the number that NorthEast will be paid for and that you can obtain installation allowances for. Be aware that availability may be a short-term problem and that you may not get the alarm units the day after you order them. We are doing our best to work with the manufacturer and avoid this delay, however.

Once you have installed the Alarms, submit a bill to the lead LHA certifying the address, number of CO Alarms in each apartment, the date(s) on which the Alarms were installed and that they were in good working order in each apartment. You will be issued an allowance for each CO Alarm installed and certified.

If a tenant with a disability requires a reasonable accommodation such as a strobe Alarm, see below. Instructions for determining a design, obtaining a Purchase Order for equipment from NorthEast and a special allowance for installation are given. The LHA can then proceed as above to obtain the equipment, do the installation and receive reimbursement for the installation cost.

5) Reasonable Accommodations: DHCD will provide alternative notification equipment (strobes) and reimbursement for its installation where the need for such a reasonable accommodation has been determined in accordance with established DHCD and LHA operating protocols and the design of the reasonable accommodation has been approved by DHCD. Generally, these Alarms consist of two parts – a sensor/actuator and a strobe light – and are powered by 110 volt AC current. Both will need to be installed into the building electrical system by a licensed electrician. A separate Application for a Reasonable Accommodation should be filled out for each reasonable accommodation address. For application forms, please see the accompanying letter titled

**RE: Carbon Monoxide Alarm Application Forms:
Battery-operated Stand-alone and
Reasonable Accommodation CO Sensors and Relays**

6) Program Contacts

If you need help, there are lots of people ready to help you depending on what type of help you need -- see table below.

Purpose	Name	Title	Phone/Fax	E-Mail
Eligibility, General Questions	Robert Carreiro	DHCD Housing Management Specialist	617-573-1340 (v) 617-573-1340 (F)	Robert.Carreiro@state.ma.us
Regulatory Requirements, General Questions	Aaron Beineke	DHCD Project Manager	617-573-1175 (v) 617-573-1335 (F)	Aaron.Beineke@state.ma.us
Technical Questions, Special Circumstances	Joseph DiMare	Supervising Engineer	617-513-1157 (v) 617-573-1335 (F)	Joseph.DiMare@state.ma.us
Processing and Payments		Worcester Housing Authority Program Manager		
		Somerville Housing Authority Program Manager		
Alarm Orders or Deliveries	Howard Garber	NorthEast Electrical Supply Manager	781-401-8511	



Commonwealth of Massachusetts
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

PUBLIC HOUSING NOTICE: 2006-6

**COMPLIANCE WITH "NICOLE'S LAW" - CARBON
MONOXIDE ALARM REQUIRED**

To: All Local Housing Authorities
From: Marc A. Slotnick, Associate Director for Public Housing and Rental Assistance
Ray Frieden, Director, Bureau of Housing Development and Construction
Date: May 23, 2006
cc: MassNAHRO, MAHAMS, HUD – Office of Public Housing

As you may be aware, on Friday, November 4, 2005, Governor Romney signed Nicole's Law, Chapter 123 of the Acts of 2005, requiring carbon monoxide detectors in any residence that (1) contains fossil-fuel burning equipment (FFBE); or (2) incorporates enclosed parking within its structure. The law is named for 7-year-old Nicole Garofalo who died in January 2005 when a heating vent in her house was blocked by snow drifts, allowing carbon monoxide to accumulate in the home. The law required the Board of Fire Prevention Regulations (BFPR) to promulgate regulations to implement the law and those regulations went into effect on February 10, 2006. Most residential properties had until March 31, 2006, to comply with the law but *Public housing has until midnight of December 31, 2006, to be in full compliance with the law.*

DHCD has monitored the drafting of the regulations by the BFPR so that we would be in a position to offer assistance to LHAs in complying with the requirements of the law in a timely fashion. We have developed a program to directly provide you with Alarm units together with a funding allowance for installation and to offer technical assistance with respect to where and how to install the alarms. The program will be administered by the Worcester and Somerville Housing Authorities. We estimate that compliance with the law will require approximately 50,000 alarm units and cost approximately \$1 million. We have developed this program so that all LHAs will be in compliance with the law by the start of the heating season (Sept. 15, 2006).

In this package of materials you will find the following:

- 1) A detailed description of the program including contact numbers and e-mail addresses of individuals in the various organizations who will serve as points of contact. See

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DHCD Carbon Monoxide Alarm Compliance Program for State-Supported Public Housing

- 2) An application form so that you can order the necessary number of Alarms, based on your inventory of your portfolio. Also, a separate order application form for obtaining specialized detection and notification equipment for each state to assist in reasonable accommodation. See RI - Carbon Monoxide Alarm Application Forms, Battery-operated Stand-alone and Reasonable Accommodation CO Sensors and Relays.
- 3) A copy of the statute: Chapter 123 of the Acts of 2005.
- 4) A copy of the current, emergency regulations promulgated by the BFPR: 527 CMR 31.00. Note that these regulations have not completed the formal adoption process required of such regulations and may yet be modified as part of the formal public hearing and adoption process. DHCD will continue to monitor and participate in the adoption process, will notify LHAs of the availability of the final regulations and provide commentary if there have been substantive changes from this version of the regulations.
- 5) A copy of Carbon Monoxide Fire Safety Flyer provided by the Fire Marshal's office answering questions about Carbon Monoxide and the threat it represents to your tenants.
- 6) A copy of Carbon Monoxide Consumers Guide provided by the Fire Marshal's office giving its interpretation of the requirements of the regulations. This might be a useful document to refer to in determining where Alarms are required and to have available during an inspection by a local Fire Department.

If you have any questions about carbon monoxide, the alarms or the regulations, we urge you to go to the Department of Fire Services web site:

www.mass.gov/dfs/osfm/pubed/firesafetytopics/carbon_monoxide_safety.htm

You may also contact your DHCD Construction Advisor for help in determining where to locate alarm units or your Housing Management Specialist for help filling out the forms.

MEMORANDUM OF UNDERSTANDING
Between the
GOVERNMENT OF MASSACHUSETTS
and the
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

1. The Worcester Housing Authority (WHA) has been requested by the Department of Housing and Community Development (DHCD) to serve as the lead administrative agency whose role will be the purchase of Carbon Monoxide Alarm Devices on behalf of and the disbursement of funds for their installation by Local Housing Authorities (LHAs) in the following counties: Barnstable, Berkshire, Bristol, Dukes, Franklin, Hampden, Hampshire, Nantucket, Plymouth and Worcester. The purchase will be from a state wide vendor on the COMPASS system. DHCD has asked for proposals from these vendors to supply these devices statewide and has determined that NorthEast Electrical Supply has offered the best value to the Commonwealth.
2. DHCD will be responsible for the following:
 - a. all funding for the program;
 - b. the prior approval of an APPLICATION/PURCHASE ORDER/CERTIFICATION for each LHA giving the number of devices which each LHA is eligible to receive and install and, upon approval by DHCD, forwarding copies of the approved forms to the requesting housing authority, the vendor (NorthEast Electrical Supply), and the lead administrative agency (WHA);
 - c. technical assistance to each LHA as requested;

DHCD has attached to this Memorandum of Understanding an exact listing of LHAs whose purchases and installation allowances will be the responsibility of the WHA.

3. At the direction of DHCD, each LHA that wishes to take advantage of this program will be responsible for forwarding the following documents to the lead administrative agency.
 - a. For the purchase of the carbon monoxide alarms, the original packing slip(s) from NorthEast Electrical Supply, signed by the LHA indicating the number of alarms that were received in good order, and a copy of the LHA's approved APPLICATION/PURCHASE ORDER/CERTIFICATION. Documents will be stapled and in the order indicated. LHAs WILL NOT send payment to the vendor. Only the WHA will make payment to the vendor on their behalf.
 - b. For the installation allowance (\$5 per alarm), the LHA must submit an invoice billed to DHCD indicating the following:
 - o the total approved installation allowance amount for that LHA,
 - o the portion previously invoiced,
 - o the amount of the current invoice showing the development address(es) and number of alarms installed, and
 - o the balance of the allowance remaining.
 - o A certification statement indicating the date on which the alarms were installed in good working order.
 - o supporting documentation listing the address of each development, each apartment number, the number of alarms installed in each apartment, and the dates on which the alarms were installed. A copy of the approved Standard CO Alarm Devices APPLICATION/PURCHASE ORDER/CERTIFICATION form will suffice.

c. Documents should be mailed to the following address if a housing authority has WHA as its lead administrative agency:

Worcester Housing Authority
80 Belmont Street
Worcester, MA 01104
Attn: Matt Compagnone (Program)

4. In consideration of receiving an administrative allowance of \$10,000 for this work, the WHA agrees to be responsible for the following:
 - a. Placing a blanket order with NorthEast Electrical Supply for the required devices. NorthEast Electrical Supply has agreed to provide the devices – Kidde model no. KID 9CO502 -- including batteries, FOB to each LHA for \$14.59 per device.
 - b. Prompt payments to NorthEast Electrical Supply for all Alarm units satisfactorily received on or before December 31, 2006;
 - c. Prompt payments to each LHA of properly invoiced and documented installation allowances for all installations completed on or before December 31, 2006.
 - d. Prompt request of DHCD for payment approval and funds for payments to NorthEast Electrical Supply and to each LHA using the attached summary sheets together with copies of all of the supporting documentation for payment authorization. Payments will be made to NorthEast Electrical Supply and to the WHA's client LHAs as quickly as possible and in every case within two weeks of the funds being transferred to the WHA.
5. The WHA reserves the right to request additional administrative funds if its costs exceed \$10,000. Such a request must be submitted and approved prior to the WHA incurring those costs in order that DHCD might take other action to complete the work without additional costs. Subject to the availability of funds and satisfactory documentation of all of WHA's costs and of the diligence of the WHA in efficiently carrying out these administrative duties, DHCD will approve the request and reimburse the WHA for its added costs.
6. It is expected that this work will be completed on or before February 1, 2007. This MOU shall terminate as of that date unless otherwise mutually agreed to in writing by both parties. By mutual written agreement, the WHA and DHCD may amend this MOU at any time.

For the
Worcester Housing Authority:

Department of Housing and Community Development

Name

Name

Title

Title

Date

Date