

E-bikes: Safety Standards for New York City Apartments

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Due to numerous fires, NYC housing providers recently expressed mounting safety concerns over the storing of lithium-ion battery-operated electronic-bikes (“e-bikes”) within residential apartment buildings. Lithium-ion batteries store high-capacity power and are frequently used to power a wide range of modern-day consumer electronics, including e-bikes. As e-bike use becomes more common in NYC, so does the potential for fire-related safety hazards arising out of improper storage and charging of lithium-ion batteries.

FDNY Commissioner Laura Kavanaugh has reported

approximately 175 fires were caused by lithium-ion battery e-bikes in NYC this year. While occurrences of e-bike related structural fires have been relatively infrequent, the potential for severe harm arising out of any one instance obligates housing providers to be proactive in developing and implementing safety measures to prevent such hazards. Safe practices for e-bike storage are evolving in real time as new technologies continue to emerge, so, housing providers will need to continue adapting their rules and regulations accordingly.

This memorandum contains guidance and information for housing providers currently navigating this emerging issue.

Currently NYC allows three classes of e-bikes, all of

which must have operable pedals and a maximum speed of 25 miles per hour. Since e-bikes are not registered vehicles, unlike cars, there is no official count of their numbers in NYC.

Recent legislation aims to prevent e-bike related fires with the lithium-ion battery certification law (UL Standard 2271). This law targets retailers of e-bike batteries. Starting Sept. 16, 2023, any mobility device using lithium-ion batteries must be certified in compliance with UL standards if they are being sold, leased, or rented in NY. Recent studies indicate that refurbished lithium-ion batteries may be more hazardous and thus should be avoided. Further, the Charge Safe Ride Safe program provides public charging stations with certified technology. This program is vital, as many previous fires have been caused by improper storage or charging of these devices.

The National Fire Protection Association (“NFPA”) states, “[If lithium-ion batteries] are not used correctly, or if damaged, those batteries can catch on fire or explode.” The FDNY currently requires NYC housing providers to display a Fire and Emergency Preparedness Bulletin within residential buildings, delineating safety guidelines and warnings related to e-bike storage. The FDNY recommends the following guidelines as safe practices:

- use only “Underwriters Laboratories or UL” certified batteries, showing the product was safety tested;
- always follow manufacturer instructions for charging and storage of batteries;
- never charge the e-bike battery while the battery is underneath any other object, on a bed or on a couch;
- never store batteries near anything flammable;

- always keep batteries away from direct sunlight, and always store batteries at room temperature;
- only charge the device by using the manufacturer's cord and power adapter made specifically for the device being charged; and
- if a battery overheats, emits any odor, changes shape or color, leaks or makes noises, immediately call 911.

The boards of condos and co-ops must address this issue without clear guidance from governmental agencies and with no clear industry standard having yet emerged. Boards must measure the risk of fires against the utility provided to residents by e-bikes and other related lithium battery-powered transportation. Boards can either pass outright bans, establish rules and policies on the storage of lithium batteries, educate residents on proper safety procedures, or simply make

no policy decision pending either clear policies or regulations emerging.

Some boards have enacted absolute prohibition bans while they wait for more information on policies. However, bans are likely to create substantial pushback from residents with e-bikes. The NYC Housing Authority (“NYCHA”) recently attempted to completely ban tenants from storing e-bikes inside any of the 177,000 NYCHA apartments throughout NYC. The proposed ban received a great deal of opposition from residents, many of whom rely upon e-bikes for their livelihood. NYCHA has since reversed the ban based upon the overwhelming consensus that a complete ban on e-bikes within residential buildings would disproportionately impact certain classes of residents and cause a strain upon those whose livelihoods depend upon their continued ability to store an e-bike in their residence.

It would be prudent for boards to consider alternative methods for safely and reasonably regulating resident e-bike storage to mitigate associated risks of harm, while still permitting residents who rely on use of an e-bike the opportunity to safely stow their device.

Housing providers may encourage safe storage practices amongst their residents by distributing informational notices that detail the known safety hazards and current recommended practices and precautions for storing and charging e-bikes indoors.

Housing providers may likewise wish to implement an e-bike disclosure form as part of their lease document or house rules. They may create a mandatory e-bike registry system that obligates residents in possession of an e-bike to notify management and certify the e-bike is powered with a UL certified, non-refurbished lithium-ion battery that will be stored and charged in

accordance with the manufacturer's instructions.

Housing Providers may also wish to impose fines or deem non-compliance by residents to constitute a lease and house rules violation to encourage resident compliance.

Ultimately, housing providers could substantially reduce the risk of fire hazards by requiring e-bikes be stored outside of the building; however, many buildings lack external bicycle parking capacity and outdoor storage, leaving users unable to charge and use their e-bikes. Thus, requiring exterior parking may have the same effect as a blanket ban, making it impracticable. Nevertheless, it may still be reasonable for some boards to ban e-bike storage indoors within select condominium or cooperative buildings, so as to mitigate risks to other unit owners.

As housing providers navigate their policy options it is

important to stay up to date with NYC's evolving e-bike guidelines. Implementing correct protocol or policy is crucial as NYC updates their housing guidelines in multiple capacities.

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