

1 RCNY §40-21

CHAPTER 40 INSTALLATION AND MAINTENANCE OF GAS-FUELED WATER AND SPACE HEATERS IN ALL PORTIONS OF DWELLINGS USED OR OCCUPIED FOR LIVING PURPOSES

Subchapter

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Subchapter C *Where Heaters May be Used*

§40-21 Substitution for Central Heating or Hot Water Supply. Gas-fueled space or water heaters may be used in lieu of centrally supplied heat or hot water only in an apartment in a dwelling which complies with all the following requirements:

- (a) The apartment shall consist of two or more living rooms.
- (b) The apartment shall consist entirely of rooms used in Class A occupancy, or in one or two family dwellings.
- (c) The apartment shall not be, in whole or in part, arranged, designed or intended to be used for single room occupancy.
- (d) The apartment shall not have been formed, in whole or in part, as a result of work done to increase the number of apartments of a converted dwelling or a tenement under an application or plan filed with the department on or after December 9, 1955.
- (e) The apartment shall not be located in a building which has been vacant under conditions and for periods which render it subject to the provisions of §27-2089 of the Administrative Code.
- (f) The apartment shall not have been converted or altered under plans filed with the department on or after December 9, 1955 so as to cause any existing or newly created portion of a Class A or Class B converted dwelling not previously constituting an apartment consisting of rooms used for Class A occupancy to become such an apartment.
- (g) The apartment shall not be a part of a Class A or Class B multiple dwelling which is or was converted to such dwelling from a single family or two-family dwelling under an application or plan filed with the department on or after December 9, 1955.
- (h) The apartment shall not be in a tenement which, after being used or occupied as other than a tenement, is or was reconverted to a tenement under any application or plan filed with the department on or after December 9, 1955.
- (i) In accordance with Building Code Reference Standard P107.26.