

New York State Multiple Dwelling Law

Text Disclaimer:

This resource document contains formatting and navigational edits, intended to aid in its use. The information in this document is only a summary and overview and is not intended to substitute for the full text and meaning of any law, rule or regulation. The official text of the Multiple Dwelling Law is maintained by the New York State Senate and may be viewed on the Open Legislation website at <https://www.nysenate.gov/legislation/laws/MDW>.

The Department of Buildings (DOB) reserves all rights to this material, and it cannot be distributed, copied, or otherwise used without the express written permission of DOB. The City disclaims any liability for errors that may be contained in this document and shall not be responsible for any damages, consequential or actual, arising out of or in connection with the use of this document and/or the information contained herein. The City reserves the right to take action at variance with this document. This document shall not be construed to create a substantive or procedural right or benefit enforceable by any person. The information contained in this document is current only as of the publication date of this document.

Navigating the Text:

This document includes links and bookmarks to defined terms, referenced sections, and regulations. After reviewing the linked material, users might return to their previous place in the text by using the document viewer's "Back" function (typically Alt + left arrow key).



NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 1

INTRODUCTORY PROVISIONS; DEFINITIONS

§1. Short title.

This chapter shall be known as the "multiple dwelling law."

§2. Legislative finding.

It is hereby declared that intensive occupation of [multiple dwelling](#) sites, overcrowding of [multiple dwelling](#) rooms, inadequate provision for light and air, and insufficient protection against the defective provision for escape from fire, and improper sanitation of [multiple dwellings](#) in certain areas of the state are a menace to the health, safety, morals, welfare, and reasonable comfort of the citizens of the state; and that the establishment and maintenance of proper housing standards requiring sufficient light, air, sanitation and protection from fire hazards are essential to the public welfare. Therefore the provisions hereinafter prescribed are enacted and their necessity in the public interest is hereby declared as a matter of legislative determination.

§3. Application to cities, towns and villages.

1. This chapter shall apply to all cities with a population of three hundred twenty-five thousand or more.
2. The legislative body of any other city, town or village may adopt the provisions of this chapter and make the same applicable to [dwellings](#) within the limits of such city, town or village by the passage of a local law or ordinance adopting the same; and upon the passage of such local law or ordinance all of the provisions of articles [one](#), [two](#), [three](#), [four](#), [five](#), [ten](#) and [eleven](#) and such sections or parts of sections of the other articles of this chapter as such local law or ordinance shall enumerate, shall apply to such city, town or village from the date stated in such law or ordinance.
3. Except as herein otherwise specified, every [multiple dwelling](#) shall be constructed or maintained in conformity with other applicable laws.
4.
 - a. Any city, town or village may make local laws, ordinances, resolutions or regulations not less restrictive than those provided in this chapter and may provide for their enforcement by legal or equitable actions or proceedings, and prescribe the penalties, sanctions and remedies for violations thereof. In the enforcement and administration of this chapter in a city of three hundred twenty-five thousand or more persons, the penalties, sanctions and remedies enacted by local law may be applied, notwithstanding their inconsistency with this chapter, or the provisions of this chapter.
 - b. In a city of three hundred twenty-five thousand or more persons, such local laws may authorize such actions or proceedings against the [owner](#), lessee of a whole [multiple dwelling](#), agent or other person having control of such [dwelling](#), and any responsible party, or against the [dwelling](#) in rem. Such local laws may further authorize
 - (1) that civil penalties may be enforced against the person liable therefor, and that in addition to the methods of enforcement for judgments established in the civil practice law and rules, a lien may be imposed against the [premises](#) and the rents therefrom;
 - (2) that such civil penalties may be enforced against the [dwelling](#) by the imposition of a lien against the rents therefrom.

NEW YORK STATE
MULTIPLE DWELLING LAW

- c. Such local laws may also authorize that all liens upon rents, whether authorized by state or local law, may be satisfied without further judicial proceedings by the collection of rents due or to become due.
5. Whenever a provision of any local law, ordinance, resolution or regulation is more restrictive in a requirement for [height](#), area or use, such local law, ordinance, resolution or regulation shall govern and take precedence over any lesser requirements of this chapter. When, however, the provisions of this chapter impose more restrictive requirements, the provisions of this chapter shall govern.
6. A local law, ordinance, resolution or regulation shall not prohibit in any [class A multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, in compliance with the provisions of this chapter, the use of wood for sleepers, grounds, nailing blocks, underflooring or finish flooring or, within [apartments](#), doors with their assemblies, interior trim and assemblies of exterior windows, interior finish, closet fixtures, kitchen fixtures, shelving, cupboards, cabinets or wardrobes.
7. Except as provided in subdivisions four and five, a local law, ordinance, rule or regulation shall not modify or dispense with any provision of this chapter.
8. Wherever the word "city" occurs in this chapter, it shall be construed as though followed by the words "or town or village to which this chapter is applicable." The words "charter," "ordinance," "resolution," "regulation," "building code," "department of health," "department of water supply," "fire department," "department," "board," "city engineer," "corporation counsel," "city treasury," or "fire limits," shall be construed as if followed by the words "or corresponding authority of any city, town or village to which this chapter is applicable and in which the [dwelling](#) or location referred to is situated."
9. Wherever in any statute of the state other than this chapter, or in any local law, ordinance, resolution or regulation, reference is made to the [tenement](#) house law in relation to a city to which this chapter is applicable, such reference shall be construed as applying to the provisions of this chapter. If reference be made therein to any section or other part of the [tenement](#) house law, such reference shall be construed as applying to the provisions of this chapter relating to the same subject matter as the said section or part. If reference be made therein to a "tenement house," such reference shall be construed as applying to a [class A multiple dwelling](#).
10. Wherever the date April eighteenth, nineteen hundred twenty-nine, shall appear in this chapter such date shall be construed as if followed by the words "or the date when this chapter or any of its provisions became or becomes applicable to any city, town or village outside the City of New York."
11. Notwithstanding any other provision of this section, the following enumerated articles, sections and subdivisions of sections of this chapter shall not apply to the construction or [alteration](#) of [multiple dwellings](#) for which an application for a permit is made to the [department](#) after December sixth, nineteen hundred sixty-nine in a city having a population of one million or more which adopts or has adopted local laws, ordinances, resolutions or regulations providing protection from fire hazards and making provision for escape from fire in the construction and [alteration](#) of [multiple dwellings](#) and in other respects as protective as [local law seventy-six of the laws of the city of New York for nineteen hundred sixty-eight](#) and covering the same subject matter as the following: subdivisions twenty-five, twenty-seven, twenty-eight, thirty-five-c, thirty-six and thirty-nine of [section four](#), subdivision three of [section twenty-eight](#), sections [thirty-six](#), [thirty-seven](#), [fifty](#), [fifty-one](#), [fifty-two](#), [fifty-three](#),

NEW YORK STATE
MULTIPLE DWELLING LAW

[fifty-five](#), [sixty](#), [sixty-one](#), [sixty-seven](#), subdivisions one, two, four and five of section [seventy-five](#), [article four](#), [article five](#), [article five-A](#), [article six](#) and [article seven-B](#); except that after December sixth, nineteen hundred sixty-nine where a [multiple dwelling](#) erected prior to December sixth, nineteen hundred sixty-nine is altered, or a building erected prior to December sixth, nineteen hundred sixty-nine is converted to a [multiple dwelling](#) pursuant to a permit applied for to the [department](#) having jurisdiction, the foregoing articles, sections and subdivisions of sections shall remain applicable where a local law of such city authorizes such [alteration](#) or conversion to be made, at the option of the [owner](#), either in accordance with the requirements of the [building law and regulations in effect in such city prior to December sixth, nineteen hundred sixty-eight](#) or the requirements of the [building law and regulations in effect after such date](#), and the [owner](#) elects to comply with the requirements of the building law and regulations in effect prior to December sixth, nineteen hundred sixty-eight.

§4. Definitions.

Certain words and terms when used in this chapter, unless the context or subject matter requires otherwise, are defined as follows:

1. Wherever the word or words "**occupied**," "is **occupied**," "used" or "is used" appear, such word or words shall be construed as if followed by the words "or is intended, arranged or designed to be used or occupied."
2. The word "**shall**" is always mandatory.
3. The term "**department**" shall mean the department, bureau, division or other agency charged with the enforcement of this chapter.
4. A "**dwelling**" is any building or [structure](#) or portion thereof which is [occupied](#) in whole or in part as the home, residence or sleeping place of one or more human beings.
5. A "**family**" is either a person occupying a [dwelling](#) and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a [dwelling](#), living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A "**boarder**," "**roomer**" or "**lodger**" residing with a family shall mean a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.
6. A "**private dwelling**" is any building or [structure](#) designed and [occupied](#) exclusively for residence purposes by not more than two [families](#). A building designed for and [occupied](#) exclusively by one [family](#) is a "**single-family private dwelling**." A building designed for and [occupied](#) exclusively by two [families](#) is a "**two-family private dwelling**." Private dwellings shall also be deemed to include a series of one-family or two-family [dwelling](#) units each of which faces or is accessible to a legal street or public thoroughfare provided that each such [dwelling](#) unit is equipped as a separate [dwelling](#) unit with all essential services, and also provided that each such unit is arranged so that it may be approved as a legal one-family or two-family dwelling.
7. A "**multiple dwelling**" is a [dwelling](#) which is either rented, leased, let or hired out, to be [occupied](#), or is [occupied](#) as the residence or home of three or more [families](#) living independently of each other. On and after July first, nineteen hundred fifty-five, a "multiple dwelling" shall also include residential quarters for members or personnel of any hospital staff which are not located in any building used primarily for hospital use provided, however, that any building which was erected, altered or converted prior to July first, nineteen hundred fifty-five, to be [occupied](#) by such members or personnel or is so [occupied](#) on such date shall

NEW YORK STATE
MULTIPLE DWELLING LAW

not be subject to the requirements of this chapter only so long as it continues to be so [occupied](#) provided there are local laws applicable to such building and such building is in compliance with such local laws. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, asylum or public institution, or a [fireproof](#) building used wholly for commercial purposes except for not more than one janitor's [apartment](#) and not more than one penthouse [occupied](#) by not more than two [families](#). For the purposes of this chapter "multiple dwellings" are divided into two classes: "class A" and "class B."

8.

a. A "**class A**" [multiple dwelling](#) is a [multiple dwelling](#) that is [occupied](#) for permanent residence purposes. This class shall include [tenements](#), flat houses, maisonette apartments, apartment houses, apartment hotels, bachelor apartments, studio apartments, duplex apartments, kitchenette apartments, [garden-type maisonette dwelling](#) projects, and all other multiple dwellings except [class B multiple dwellings](#). A [class A multiple dwelling](#) shall only be used for permanent residence purposes. For the purposes of this definition, "permanent residence purposes" shall consist of occupancy of a [dwelling](#) unit by the same natural person or [family](#) for thirty consecutive days or more and a person or [family](#) so occupying a [dwelling](#) unit shall be referred to herein as the permanent occupants of such [dwelling](#) unit. The following uses of a [dwelling](#) unit by the permanent occupants thereof shall not be deemed to be inconsistent with the occupancy of such [dwelling](#) unit for permanent residence purposes:

(1)

- (A) occupancy of such [dwelling](#) unit for fewer than thirty consecutive days by other natural persons living within the household of the permanent occupant such as house guests or lawful boarders, roomers or lodgers; or
- (B) incidental and occasional occupancy of such [dwelling](#) unit for fewer than thirty consecutive days by other natural persons when the permanent occupants are temporarily absent for personal reasons such as vacation or medical treatment, provided that there is no monetary compensation paid to the permanent occupants for such occupancy.

(2) In a [class A multiple dwelling](#) owned by an accredited not-for-profit college or university or leased by such a college or university under a net lease for a term of forty-nine years or more, the use of designated [dwelling](#) units for occupancy for fewer than thirty consecutive days shall not be inconsistent with the occupancy of such [multiple dwelling](#) for permanent residence purposes if:

- (A) No more than five percent of the [dwelling](#) units in such [multiple dwelling](#) but not less than one [dwelling](#) unit, are designated for such use and the designation of a unit once made may not be changed to another unit;
- (B) A list of the designated [dwelling](#) units certified by an authorized representative of the college or university is kept on the [premises](#) by the [owner](#) or net lessee and made available upon request for inspection by the [department](#) or the fire department of such city;
- (C) Only designated [dwelling](#) units on the certified list are used for occupancy for fewer than thirty consecutive days and only by
 - (i) natural persons, other than persons whose only relationship with the college or university is as a student, for whom the college or university has undertaken to provide housing accommodations such as visiting professors and academics,

NEW YORK STATE
MULTIPLE DWELLING LAW

graduate students with research or teaching fellowships, researchers and persons presenting academic papers, interviewing for positions of employment or having other similar business with the college or university, or

(ii) natural persons for whom a hospital affiliated with such college or university has undertaken to provide housing accommodations such as patients, patients' [families](#) and/or accompanying escorts, medical professionals and healthcare consultants or persons having other similar business with such hospital. A log shall be maintained on the [premises](#) of the names and addresses of such persons and the duration and reason for their stay. Such log shall be accessible upon request for inspection by the [department](#) and the fire department of such municipality;

(D) No rent or other payment is collected for such occupancy; and

(E) The fire department of such city shall require the filing of a fire safety plan or other appropriate fire safety procedure.

- b. A "**garden-type maisonette dwelling project**" is a series of attached, detached or semi-detached [dwelling](#) units which are provided as a group collectively with all essential services such as, but not limited to, water supply and house sewers, and which units are located on a site or plot not less than twenty thousand square feet in area under common ownership and erected under plans filed with the [department](#) on or after April eighteenth, nineteen hundred fifty-four, and which units together and in their aggregate are arranged or designed to provide three or more apartments.
9. A "**class B**" [multiple dwelling](#) is a [multiple dwelling](#) which is [occupied](#), as a rule transiently, as the more or less temporary abode of individuals or [families](#) who are lodged with or without meals. This class shall include [hotels](#), [lodging houses](#), [rooming houses](#), boarding houses, boarding schools, furnished room houses, lodgings, club houses, college and school dormitories and [dwellings](#) designed as [private dwellings](#) but [occupied](#) by one or two [families](#) with five or more transient boarders, roomers or lodgers in one household.
10. A "**converted dwelling**" is a dwelling
- (a) erected before April eighteenth, nineteen hundred twenty-nine, to be [occupied](#) by one or two [families](#) living independently of each other and subsequently [occupied](#) as a [multiple dwelling](#), or
- (b) a [dwelling](#) three stories or less in [height](#) erected after April eighteenth, nineteen hundred twenty-nine, to be [occupied](#) by one or two [families](#) living independently of each other and subsequently [occupied](#) by not more than three [families](#) in all, with a maximum occupancy of two [families](#) on each floor in a two [story](#) building and one [family](#) on each floor in a three [story](#) building, in compliance with the provisions of [article six](#) of this chapter, including [section one hundred seventy-a](#) of said article. A converted dwelling [occupied](#) as a [class A multiple dwelling](#) is a class A converted dwelling; every other converted dwelling is a class B converted dwelling.
11. A "**tenement**" is any building or [structure](#) or any portion thereof, erected before April eighteenth, nineteen hundred twenty-nine, which is [occupied](#), wholly or in part, as the residence of three [families](#) or more living independently of each other and doing their cooking upon the [premises](#), and includes apartment houses, flat houses and all other houses so erected and [occupied](#), except that a tenement shall not be deemed to include any [converted dwelling](#). An "old-law tenement" is a tenement existing before April twelfth, nineteen

NEW YORK STATE
MULTIPLE DWELLING LAW

hundred one, and recorded as such in the [department](#) before April eighteenth, nineteen hundred twenty-nine, except that it shall not be deemed to include any [converted dwelling](#).

12. A "**hotel**" is an inn having thirty or more sleeping rooms.
13. A "**rooming house**" or a "**furnished room house**" is a [multiple dwelling](#), other than a [hotel](#), having less than thirty sleeping rooms and in which persons either individually or as [families](#) are housed for hire or otherwise with or without meals. An inn with less than thirty sleeping rooms is a rooming house.
14. A "**lodging house**" is a [multiple dwelling](#), other than a [hotel](#), a [rooming houses](#) or a [furnished rooming house](#), in which persons are housed for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week.
15. An "**apartment**" is that part of a [multiple dwelling](#) consisting of one or more rooms containing at least one bathroom and arranged to be [occupied](#) by the members of a [family](#), which room or rooms are separated and set apart from all other rooms within a [multiple dwelling](#).
16. "**Single room occupancy**" is the occupancy by one or two persons of a single room, or of two or more rooms which are joined together, separated from all other rooms within an [apartment](#) in a [multiple dwelling](#), so that the occupant or occupants thereof reside separately and independently of the other occupant or occupants of the same [apartment](#). When a [class A multiple dwelling](#) is used wholly or in part for single room occupancy, it remains a [class A multiple dwelling](#).
17. A "**public hall**" is a hall, corridor or passageway within a building but outside of all [apartments](#) and suites of private rooms. A "**public vestibule**" is a corridor, not within an [apartment](#) or suite of private rooms, providing access to a [stair](#) or elevator and not wider than seven feet nor longer than twice the width of the [stair](#) or elevator [shafts](#) opening upon it. A "public room" or "public part" of a [dwelling](#) is a space used in common by the occupants of two or more [apartments](#) or rooms, or by persons who are not tenants, or exclusively for mechanical equipment of such [dwelling](#) or for storage purposes.
18. A "**living room**" is a room which is not a [public hall](#), [public vestibule](#), [public room](#) or other [public part](#) of a [dwelling](#). Every room used for sleeping purposes shall be deemed a living room. [Dining bays](#) and dinettes fifty-five square feet or less in floor area, [foyers](#), water-closet compartments, bathrooms, cooking spaces less than eighty square feet in area, and halls, corridors and passageways entirely within an [apartment](#) or suite of rooms shall not be deemed living rooms. "**Floor space**" shall mean the clear area of the floor contained within the partitions or walls enclosing any room, space, [foyer](#), hall or passageways of any [dwelling](#).
19. A "**dining bay**," "**dining recess**" or "**dinette**" is a recess used for dining purposes off a [living room](#), [foyer](#) or kitchen.
20. A "**foyer**" is a space within an [apartment](#) or suite of rooms used as an entrance hall directly from a [public hall](#).
21. A "**dormitory**" in a [lodging house](#) is any place used for sleeping purposes. A "**cubicle**" is a small partially enclosed sleeping space within a dormitory with or without a window to the outer air.
22. "**Premises**" shall mean land and improvements or appurtenances or any part thereof.
23. "**Structure**" shall mean a building or construction of any kind.
24. "**Alteration**," as applied to a building or [structure](#), shall mean any change or rearrangement in the structural parts or in the egress facilities of any such building or [structure](#), or any

NEW YORK STATE
MULTIPLE DWELLING LAW

enlargement thereof, whether by extension on any side or by any increase in [height](#), or the moving of such building or [structure](#) from one location or position to another.

25. A "**fireproof multiple dwelling**" is one in which the walls and other structural members are of incombustible materials or assemblies meeting all of the requirements of the building code and with standard fire-resistive ratings of not less than one of the following sets of requirements:
 - a. For any [multiple dwelling](#) more than one hundred feet in [height](#), four hours for fire walls, party walls, piers, columns, interior structural members which carry walls, girders carrying columns, and for exterior walls other than [panel walls](#); three hours for other girders, fire partitions, floors including their beams and girders, beams, roofs, floor fillings, and stairway enclosures; and two hours for exterior [panel walls](#).
 - b. For any [multiple dwelling](#) one hundred feet or less in [height](#), the provisions of preceding paragraph a shall apply, except that the minimum requirements shall be three hours for exterior walls other than [panel walls](#), which shall be two hours; two hours for protection of interior columns; one and one-half hours for roofs and for floors and beams; provided, however, that for a [multiple dwelling](#) three stories or less in [height](#), the requirement for all floors and the roof shall be one hour.
26. The term "**fireproof**," as applied to a part or parts of a building, means such part or parts are made of incombustible materials with standard fire-resistive ratings not less than those required for the corresponding part or parts of a fireproof [dwelling](#).
27. A "**non-fireproof dwelling**" is one which does not meet the requirements for a fireproof [dwelling](#).
28. A "**frame dwelling**" is a [dwelling](#) of which the exterior walls or any structural parts of such walls are of wood. A [dwelling](#) which would not otherwise be a frame dwelling shall not be deemed a frame dwelling by reason of the existence on such [dwelling](#) of frame oriel, bay or dormer windows, frame porches not more than one [story](#) in [height](#), or frame extensions not more than one [story](#) in [height](#) and fifty-nine square feet in area if such windows, porches or extensions were erected prior to April thirteenth, nineteen hundred forty.
29. The term "**fire-retarded**," as applied to a part or parts of a building, means such part or parts are either covered with metal lath plastered with two or more coats of mortar or otherwise protected against fire in a manner approved by the [department](#) with materials of standard fire-resistive ratings of at least one hour. Fireproofing shall always be accepted as meeting any requirement for fire-retarding.
30. "**Fire-stopping**" means the closing of all concealed draft openings to form an effectual fire barrier at floors, ceilings and roofs with brick, concrete, gypsum, asbestos, mineral wool, rock wool, metal lath with cement or gypsum plaster, or other approved incombustible materials.
31. A "**lot**" is a parcel or plot of ground which is or may be [occupied](#) wholly or in part by a [dwelling](#), including the spaces [occupied](#) by accessory or other [structures](#) and any open or unoccupied spaces thereon, but not including any part of an abutting public street or thoroughfare.
 - a. A "**corner lot**" is a lot of which at least two adjacent sides abut for their full length upon streets or public places not less than forty feet in width. That portion of a corner lot in excess of one hundred feet from any street on which the lot abuts shall be considered an interior lot. An "**interior lot**" is a lot which is neither a corner lot nor a [through lot](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

- b. The "**front**" of a lot is that boundary line which abuts on the street, or, if there be more than one street abutting, on the street designated by the [owner](#). The "**rear**" of a lot is the side opposite the front.
 - c. The "**depth**" of a lot is the distance from the [front](#) of the lot to the extreme [rear](#) line of the lot. In the case of an irregular-shaped lot the mean depth shall be taken.
 - d. A "**through lot**" is a lot running through from street to street whose [front](#) and [rear](#) lines abut for their entire lengths upon streets or open public places; provided, however, that when either of said lines exceeds the other in length by more than twenty per centum, that part of the lot contiguous to the excess length of the longer line shall be deemed an [interior lot](#). The [department](#) may designate which part of the longer line is the excess in length and make any reasonable interpretation of the part of the lot to be regarded as contiguous to such excess.
 - e. Lots or portions of lots shall be deemed "**back to back**" when they are on opposite sides of the same part of a rear line common to both and the opposite street lines on which the lots [front](#) are parallel with each other or make an angle with each other of not more than forty-five degrees.
32. A "**rear yard**" is an open space on the same [lot](#) with a [dwelling](#) between the extreme [rear](#) line of the [lot](#) and the extreme [rear](#) wall of the [dwelling](#). A "**side yard**" is a continuous open space on the same [lot](#) with a [dwelling](#) between the wall of a [dwelling](#) and a line of the [lot](#) from the street to a rear yard or [rear](#) line of a [lot](#). A "**court**" is an open space other than a side or rear yard, on the same [lot](#) as a [dwelling](#). A court not extending to the street or rear yard is an "**inner court**". A court extending to the street or rear yard is an "outer court".
- 32-a. "**A rear yard equivalent**" is an open area which may be required on a [through lot](#) as an alternative to a required [rear yard](#).
33. The "**curb level**", for the purpose of measuring the [height](#) of any portion of a building, is the level of the curb at the center of the [front](#) of the building; except that where a building faces on more than one street, the curb level is the average of the levels of the curbs at the center of each [front](#). Where no curb elevation has been established the average elevation of the final grade adjoining all exterior walls of a building, calculated from grade elevations taken at intervals of ten feet around the exterior walls of the building, shall be considered the curb level, unless the city engineer shall establish such curb level or its equivalent.
34. A "**street wall**" of a building, at any level, is the wall of the building nearest to a street line abutting the property.
- 35.
- a. The "**height**" of a [dwelling](#) is the vertical distance from the [curb level](#) to the level of the highest point of the roof beams; except that, in the case of pitched roofs, it is the vertical distance from the [curb level](#) to the mean height level of the gable or roof above the vertical [street wall](#). When no roof beams exist or when there are [structures](#) wholly or partly above the roof, the height shall, except as otherwise expressly provided, be measured from the [curb level](#) to the level of the highest point of any such [structure](#); except that where every part of the building is set back more than twenty-five feet from a street line, the height shall be measured from the average grade elevation calculated from the final grade elevations taken at intervals of ten feet around the exterior walls of the building.
 - b. Except as otherwise provided in [section two hundred eleven](#), the following superstructure shall not be considered in measuring the [height](#) of a [dwelling](#); parapet walls or guard

NEW YORK STATE
MULTIPLE DWELLING LAW

- railings, other superstructures twelve feet or less in [height](#) and occupying fifteen per centum or less of the area of the roof, elevator enclosures thirty feet or less in [height](#) used solely for elevator purposes, enclosures fifty feet or less in height used solely for tanks, cooling towers or other mechanical equipment; and, when approved by the [department](#), pergolas, spires, chimneys, other ornamental treatments, roof gardens and playgrounds.
- c. When on the main roof of any [fireproof multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, in which one or more passenger elevators are operated, a penthouse [dwelling](#) is erected the [height](#) of which does not exceed twelve feet and the walls of which are set back as provided in this paragraph, the [height](#) of such [multiple dwelling](#) shall be measured as though no such penthouse had been erected thereon. Such penthouse walls shall be set back from the outer face of the [front](#) parapet wall at least five feet, from the outer face of the yard parapet wall at least ten feet, and from the inner face of every other parapet wall at least three feet; except that the setback so required from any parapet wall facing any court or yard or recess therefrom but not facing any street may be reduced one-third for each ten per centum by which the area of such court or yard exceeds the required minimum area thereof at the highest level of such parapet wall, and the setback so required from any parapet wall facing any street may be reduced one foot for each foot that such parapet wall is set back from the building line established by law at the highest level of such parapet wall, provided that in the opinion of the [department](#) safe and sufficient passage is provided to and from every part of the main roof. Any penthouse wall which may be flush with the inner face of any parapet wall may be flush with the outer face thereof.
- d. If a [rear multiple dwelling](#) is erected after April eighteenth, nineteen hundred twenty-nine, on the same [lot](#) as a [front multiple dwelling](#), and the [depth](#) of the yard of the [front multiple dwelling](#) is more than sixty feet and the lowest point of such yard is below the [curb level](#) and below the floor of a [cellar](#) of the [front multiple dwelling](#) or of the lowest [story](#) thereof if there is no [cellar](#), the [height](#) of the [rear multiple dwelling](#) shall be measured from such lowest point instead of from the [curb level](#).
36. A "**story**" is a space between the level of one finished floor and the level of the next higher finished floor, or, if the top story, of the space between the level of the highest finished floor and the top of the highest roof beams, or, if the first story, of the space between the level of the finished floor and the finished ceiling immediately above. For the purpose of measuring [height](#) by stories in [multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, one additional story shall be added for each twelve feet or fraction thereof that the first story exceeds fifteen feet in [height](#), and for each twelve feet or fraction thereof that any story above the first story exceeds twelve feet in [height](#).
37. A "**cellar**" in a [dwelling](#) is an enclosed space having more than one-half of its [height](#) below the [curb level](#); except that where every part of the building is set back more than twenty-five feet from a street line, the [height](#) shall be measured from the adjoining grade elevations calculated from final grade elevations taken at intervals of ten feet around the exterior walls of the building. A cellar shall not be counted as a [story](#).
38. A "**basement**" is a [story](#) partly below the [curb level](#) but having at least one-half of its [height](#) above the [curb level](#); except that where every part of the building is set back more than twenty-five feet from a street line, the [height](#) shall be measured from the adjoining grade elevations calculated from final grade elevations taken at intervals of ten feet around the

NEW YORK STATE
MULTIPLE DWELLING LAW

exterior walls of the building. A basement shall be counted as a [story](#) in determining [height](#), except as provided in paragraph e of subdivision six of [section one hundred two](#).

39. A "**section**" of a [multiple dwelling](#) is a part thereof, other than an [apartment](#) or suite of rooms, separated as a unit from the rest of such [dwelling](#) by [fireproof](#) construction.
40. A "**shaft**" is an enclosed space extending through one or more stories of a building connecting a series of openings therein, or any [story](#) or stories and the roof, and includes exterior and interior shafts whether for air, light, elevator, dumbwaiter or any other purpose.
41. A "**stair**" is a flight or flights of steps together with any landings and parts of [public halls](#) through which it is necessary to pass in going from one level thereof to another.
42.
 - a. A "**fire-tower**" is a [fireproof stair](#), enclosed in [fireproof](#) walls, without access to the building from which it affords egress other than by a [fireproof](#) self-closing door opening on a communicating balcony or other outside platform at each floor level.
 - b. A "**fire stair**" is a [fireproof stair](#), enclosed in [fireproof](#) walls, within the body of the building which it serves, to which access may be had only through self-closing [fireproof](#) doors.
 - c. A "**fire-escape**" is a combination of outside balconies and [stairs](#) providing an unobstructed means of egress from rooms or spaces in a building.
 - d. A "**panel wall**" is a non-bearing wall in skeleton construction erected between columns or piers and wholly supported at each [story](#).
43. Window dimensions shall always be taken between stop-beads or, if there are no stop-beads, between the sides, head and sill of the sash opening.
44. The term "**owner**" shall mean and include the owner or owners of the freehold of the [premises](#) or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm or corporation, directly or indirectly in control of a [dwelling](#). Whenever a [multiple dwelling](#) shall have been declared a public nuisance to any extent pursuant to paragraph b of subdivision one of [section three hundred nine](#) of this chapter and such declaration shall have been filed as therein provided, the term "owner" shall be deemed to include, in addition to those mentioned hereinabove, all the officers, directors and persons having an interest in more than ten per cent of the issued and outstanding stock of the owner as herein defined, as holder or beneficial owner thereof, if such owner be a corporation other than a banking organization as defined in section two of the banking law, a national banking association, a federal savings and loan association, The Mortgage Facilities Corporation, Savings Banks Life Insurance Fund, The Savings Banks Retirement System, an authorized insurer as defined in section one hundred seven of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least twenty savings banks or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 2

MISCELLANEOUS APPLICATION PROVISIONS

§8. General application of chapter to [dwellings](#).

All the requirements of this chapter shall apply to all kinds and classes of [multiple dwellings](#), except where there are specific provisions, requirements or exceptions for one or more kinds or classes. A specific provision for one kind or class of [dwelling](#) shall apply only to that kind or class of [dwelling](#) to which such reference is made. Whenever a specific provision is inconsistent with a general provision of this chapter, the specific provision shall apply and take precedence. The [department](#) shall have power to classify [dwellings](#) in accordance with the provisions of this chapter.

§9. Buildings converted or altered.

1. On or after December fifteenth, nineteen hundred sixty-one, no [multiple dwelling](#) shall be enlarged or its [lot](#) diminished so that the yard or other unoccupied areas shall be less in size or area than the minimum dimensions prescribed in [section twenty-six](#).
2. A building not a [dwelling](#), if converted or altered after April eighteenth, nineteen hundred twenty-nine, to a [multiple dwelling](#), shall thereupon become subject to all the provisions of this chapter applicable to [dwellings](#) of like class and kind erected after such date.
3. A [dwelling](#) of one class or kind, altered or converted after April eighteenth, nineteen hundred twenty-nine, to another class or kind, except as hereinafter in this section and in articles [six](#) and [seven](#) otherwise provided, shall thereupon become subject to all the provisions of this chapter applicable to a building of that class or kind, erected after such date, to which it is altered or converted.
4. No [dwellings](#) shall be altered so as to be in violation of any provision of this chapter relating to [dwellings](#) of like class and kind erected after April eighteenth, nineteen hundred twenty-nine, except that it shall be sufficient for the purposes of this section that [tenements](#) shall comply with [article seven](#), [converted dwelling](#) comply with [article six](#), and [lodging houses](#) comply with [section sixty-six](#). Nothing in this section shall, however, be deemed to prohibit the conversion or [alteration](#) of any [multiple dwelling](#), other than a [converted dwelling](#) and a [lodging house](#), from a [class A](#) to a [class B multiple dwelling](#), or vice-versa, provided that the entire [dwelling](#) is of [fireproof](#) construction and is made to conform to the applicable provisions of [section sixty-seven](#), and to all other provisions of this chapter applicable to [multiple dwellings](#) of like class and kind erected before April eighteenth, nineteen hundred and twenty-nine.
5.
 - a. Any [multiple dwelling](#) may be altered to conform with any provision of this chapter applicable to [dwellings](#) of like class and kind and not expressly limited in application to [dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine; or to conform to the provisions of this chapter relating to egress, or to exits from [apartments](#), in [dwellings](#) of like class and kind erected after such date if such [dwelling](#) also conforms or is made to conform to all the requirements relating to [stairs](#) and [public halls](#) in [dwellings](#) erected after such date, except that existing dimensions of [stair](#) landings, treads and risers need not be changed.
 - b. An [apartment](#) in any part of a [fireproof multiple dwelling](#) erected before April eighteenth, nineteen hundred twenty-nine, may be altered or subdivided and need not conform to the requirements of paragraph a of this section relating to [stairs](#) and [public halls](#) provided

NEW YORK STATE
MULTIPLE DWELLING LAW

each newly created [apartment](#) has access to a [public hall](#) which provides horizontal egress to at least two [stairs](#). If both of such [stairs](#) are not arranged and designed as required by sections [two hundred thirty-six](#) and [two hundred thirty-seven](#), at least one of such [stairs](#) shall be so arranged and designed, and the other shall be arranged and designed as required by [section two hundred thirty-nine](#). Both [stairs](#) shall be protected by automatic sprinkler heads throughout.

6. Any [tenement](#) previously converted to other uses may be altered or reconverted to a [tenement](#) by complying with the provisions of [article seven](#), provided, however, that its [height](#) and bulk were not enlarged prior to such [alteration](#) or reconversion except as permitted by and in accordance with the provisions of sections [two hundred eleven](#) and [two hundred twelve](#) of this chapter.
7. In any [class B multiple dwelling](#), except a [rooming house](#) or [lodging house](#), any [apartment](#) may be [occupied](#) as an [apartment](#) in a [class A multiple dwelling](#), provided such [apartment](#) complies with all the requirements for [apartments](#) in [class A multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine. In any [rooming house](#) or [lodging house](#), one [apartment](#) may be [occupied](#) as an apartment in a [class A multiple dwelling](#), provided such [apartment](#) is [occupied](#) solely by the [owner](#), janitor, superintendent or caretaker.
8. Any [apartment](#) in any [class A multiple dwelling](#) may be [occupied](#) for [single room occupancy](#) only if such [dwelling](#) complies with the provisions of section [two hundred forty-eight](#) and all other provisions of this chapter applicable to such [dwelling](#).
9. Excepting a [frame dwelling](#), any [dwelling](#) three stories or less in [height](#) erected after April eighteenth, nineteen hundred twenty-nine as a one or [two-family dwelling](#) may be converted to a [multiple dwelling](#) to be [occupied](#) by not more than three [families](#) in all, with a maximum occupancy of two [families](#) on each floor in a two [story](#) building and one [family](#) on each floor in a three [story](#) building, provided however that it shall be unlawful for any such [dwelling](#) converted at any time since October fifteenth, nineteen hundred fifty-two, to have any boarders or roomers. In each such instance, compliance shall be required with all the provisions of [article six](#), including [section one hundred seventy-a](#) of said article.
10. If any [class A dwelling](#) erected before April eighteenth, nineteen hundred twenty-nine, is altered so as to increase the number of [living rooms](#) by more than twenty per centum, such [dwelling](#), except as otherwise provided in sections [two hundred eighteen](#), [two hundred thirty-five](#) and [two hundred thirty-six](#), shall be made to conform to the requirements of this chapter with respect to [class A dwellings](#) of like class and kind erected after such date.

§10. Time for compliance.

All [alterations](#) required by this chapter upon [dwellings](#) erected before its adoption by or application to any city, town or village, in whole or in part, shall, unless specifically provided otherwise in this chapter, be made not later than five years after such adoption or application, or at such earlier date as may be deemed necessary by the [department](#) in order to remove a condition dangerous or detrimental to life or health.

§11. [Dwellings](#) damaged or moved.

1. If a [multiple dwelling](#) be damaged by fire or other cause to the extent of two-thirds or more of its value at the time of such damage exclusive of the value of the foundation, such [dwelling](#) shall not be repaired or rebuilt except in conformity with the provisions of this chapter relative to [dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine.

NEW YORK STATE
MULTIPLE DWELLING LAW

2. If any non-fireproof [stair](#) in any [multiple dwelling](#) be damaged by fire or other cause to such extent that such [stair](#) or the first flight thereof above the entrance [story](#) is required to be rebuilt, such [stair](#) to the extent that it is required to be rebuilt shall be [fire-retarded](#) throughout.
3. If any [dwelling](#) be moved from one [lot](#) to another, such [dwelling](#) shall thereupon be made to conform to all the provisions of this chapter relative to light, ventilation, fire protection and egress of a [dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, but no frame building of any kind whatsoever shall be moved so as to be placed upon the same [lot](#) with any [multiple dwelling](#), nor shall any [multiple dwelling](#) be moved so as to be placed upon the same [lot](#) with any frame building.

§12. Prohibited uses.

1. It shall be unlawful to use any [multiple dwelling](#) or any part of the [lot](#) or [premises](#) thereof for the purpose of prostitution or assignation of any description.
2. It shall be unlawful to keep any horse, cow, calf, swine, rabbit, sheep, goat, chicken or duck, or any pigeon except Antwerp or homing pigeons, in or on any [multiple dwelling](#) or on the [lot](#) or [premises](#) thereof unless permitted by and in accordance with local law or regulation.
3. It shall be unlawful to use any [multiple dwelling](#) or any part of the [lot](#) or [premises](#) thereof for the keeping, storing or handling of any combustible article or any article dangerous or detrimental to life or health, unless a permit is obtained for such use in conformity with provisions prescribed by local law, and where such local law does not exist, in conformity with provisions prescribed by the fire department.

§13. Application of chapter to existing [dwellings](#).

Any building erected and [occupied](#) on or before April eighteenth, nineteen hundred twenty-nine, or thereafter, as a [tenement](#), which is not recorded as such in the [department](#), shall be required to comply with all the provisions governing [dwellings](#) of like class or kind erected after such date. Except as otherwise expressly required in this section and in sections [nine](#) and [twenty-five](#), subdivision six of [section thirty-one](#), and sections [thirty-three](#), [sixty-six](#) and [sixty-seven](#) and in articles [six](#) and [seven](#), nothing in this chapter shall be construed to require any change in the construction, use or occupancy of any [multiple dwelling](#) lawfully [occupied](#) as such on April eighteenth, nineteen hundred twenty-nine, under the provisions of all local laws, ordinances, rules and regulations applicable thereto on such date; but should the occupancy of any such [dwelling](#) be changed to any other kind or class after such date, such [dwelling](#) shall be required to comply with the provisions of [section nine](#).

§14. Application of chapter to uncompleted [dwellings](#).

1. The provisions of this chapter relating to [multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, shall not apply to any [multiple dwelling](#) for which plans were on file with the [department](#) or a permit to commence building was issued by the [department](#) before August ninth, nineteen hundred twenty-nine, and the entire building shall have been completed according to the plans filed with the [department](#), subject to any lawful subsequent amendment thereto, before July first, nineteen hundred forty-seven.
2. No provisions of any part of this section shall be deemed to prohibit the amendment of any plans filed and approved before April eighteenth, nineteen hundred twenty-nine, if such amendment would have been lawful before such date, or if such amendment complies with

NEW YORK STATE
MULTIPLE DWELLING LAW

the requirements of this chapter for [alterations](#) to buildings of like class and kind existing before April eighteenth, nineteen hundred twenty-nine.

3. A permit to commence building issued by the [department](#) before April eighteenth, nineteen hundred twenty-nine, based upon plans filed and approved for a [multiple dwelling](#) described in subdivision one, shall be deemed to be in compliance with [section three hundred](#).
4. The provisions of this chapter relating to [multiple dwellings](#) erected and [occupied](#) as such before April eighteenth, nineteen hundred twenty-nine, shall apply to the [dwellings](#) described in this section; except, however, that unless otherwise expressly required in article [three](#) nothing in this chapter shall be construed to require any change in the plans or occupancy of any such [dwelling](#) if it be [fireproof](#) and the plans therefore when filed were in compliance with the provisions of all local laws, ordinances, rules and regulations applicable thereto and in effect on April eighteenth, nineteen hundred twenty-nine, or were subsequently amended to comply with such provisions.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 3

MULTIPLE DWELLINGS-GENERAL PROVISIONS

§25. Application of article three.

Except as otherwise expressly provided, all the provisions of this article shall apply to every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine. Except as otherwise expressly provided, only the following enumerated sections of this article, and then only to the extent required therein, shall apply to [multiple dwellings](#), whether [class A](#) or [class B](#), erected before such date:

28	Two or more buildings on the same lot	59	Bakeries and fat boiling
29	Painting of courts and shafts	60	Motor vehicle storage
31	Size of rooms-subdivision six	61	Business uses
33	Cooking spaces	62	Parapets, guard railings and wires-subdivision two
35	Entrance doors and lights	66	Lodging houses
37	Artificial hall lighting	67	Hotels and certain other class A and B dwellings
50-a	Entrances: doors, locks and intercommunication systems	75	Water supply
52	Stairs	76	Water-closet and bath accommodations
55	Wainscoting	77	Plumbing and drainage
56	Frame buildings and extensions	78	Repairs
57	Bells; mail receptacles	79	Heating
58	Incombustible materials	80	Cleanliness
		81	Receptacles for waste matter
		83	Janitor or housekeeper

TITLE 1
LIGHT AND AIR

§26. [Height](#), bulk, open spaces.

1. [Dwellings](#) affected.
 - a. This section, except as may specifically be provided otherwise in articles [six](#) and [seven](#), shall apply to all [dwellings](#) erected, enlarged, converted or altered pursuant to plans filed on or after December fifteenth, nineteen hundred sixty-one for the purpose of regulating their [height](#) and bulk and regulating and determining the area of yards, courts and other open spaces of such [dwellings](#).
 - b. The construction, enlargement, conversion or [alteration](#) of any [dwelling](#) undertaken pursuant to plans filed prior to December fifteenth, nineteen hundred sixty-one in compliance with the provisions of sections [twenty-six](#), twenty-seven and [twenty-eight](#) of this chapter, as they existed prior to the enactment of chapter ten hundred seventy-two of the laws of nineteen hundred sixty, effective July first, nineteen hundred sixty-one may be commenced, continued or completed as if such sections remained in full force and effect. Notwithstanding the provisions of subdivision four of [section three hundred](#), the [department](#) shall not require any change or modification in the [height](#) or bulk or in the area of yards, courts and other open spaces of [dwellings](#) to be erected or enlarged pursuant to plans filed prior to December fifteenth, nineteen hundred sixty-one as a

NEW YORK STATE
MULTIPLE DWELLING LAW

condition for the reissuance of a building permit or the renewal of an approval, except as may otherwise be provided by local law, ordinance or zoning ordinance.

- c. Nothing in this section shall be construed to require any change in the [height](#), bulk, or open space of any [dwelling](#) erected, enlarged, converted or altered pursuant to plans filed before December fifteenth, nineteen hundred sixty-one.
- d. Notwithstanding the provisions of paragraphs a, b or c, the provisions of this section shall apply to buildings erected, enlarged, converted or altered pursuant to plans filed prior to December fifteenth, nineteen hundred sixty-one, where such compliance may be required by local law, ordinance or zoning ordinance.

2. Definitions.

For the purpose of this section certain words are defined herein but such definitions shall not be held to modify or affect legal interpretations of such terms or words as used in any local law, ordinance, rule or regulation and shall apply in addition to and not in substitution for the provisions of [section four](#) of this chapter.

- a. "**Accessory use or accessory structure**": a use or [structure](#) customarily incident to the principal use or building;
- b. "**Floor area**": the sum of the gross horizontal areas of all of the several floors of a [dwelling](#) or [dwellings](#) and accessory structures on a [lot](#) measured from the exterior faces of exterior walls or from the center line of party walls, except:
 - (1) [cellar](#) space;
 - (2) attic space providing head room of less than eight feet;
 - (3) space for mechanical equipment;
 - (4) elevator and [stair](#) bulkheads, tanks and cooling towers;
 - (5) open or roofed terraces, exterior balconies or porches, uncovered steps and open porte-cocheres or breezeways abutting or adjoining grade entrances;
 - (6) accessory space used for off-street motor vehicle parking or storage.
- c. "**Floor area ratio (FAR)**": A figure determined by dividing the [floor area](#) of the several floors of all buildings on a [lot](#) by the area of such [lot](#).
- d. "**Corner lot**": A [lot](#) bounded entirely by streets or a [lot](#) which adjoins the point of intersections of two of more streets and in which the interior angle formed by the extensions of the street lines in the directions which they take at their intersections with [lot](#) lines other than street lines, forms an angle of one hundred thirty-five degrees or less. In the event that any street line is a curve at its point of intersection with a [lot](#) line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line. The portion of such [lot](#) subject to the regulations for corner lots is that portion bounded by the intersecting street line and lines parallel to and one hundred feet from each intersecting street line. Any remaining portion of a corner lot shall be subject to the regulations for a [through lot](#) or for an [interior lot](#), whichever is applicable.
- e. "**Tower**": A [dwelling](#) or [dwellings](#) or portion thereof which has an aggregate horizontal area of not more than forty per centum of the area of a [lot](#), or, for [lots](#) of less than twenty thousand square feet, the per centum set forth in the following table:

Area of lot (in square feet)	Maximum percent of lot coverage
10,500 or less	50 %
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47

NEW YORK STATE
MULTIPLE DWELLING LAW

13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

3. Floor area ratio (FAR).

The floor area ratio (FAR) of any dwelling or dwellings on a lot shall not exceed 12.0, except:

- a. A fireproof class B dwelling in which six or more passenger elevators are maintained and operated in any city having a local zoning law, ordinance or resolution restricting districts in such city to residential use, may be erected in accordance with the provisions of such zoning law, ordinance or resolution, if such class B dwelling is erected in a district no part of which is restricted by such zoning law, ordinance or resolution to residential uses.
- b. In a city with a population of one million or more, the permitted floor area ratio (FAR) of any dwelling or dwellings on a lot may exceed 12.0 provided that:
 - (1) such city approves any increase in such permitted floor area ratio (FAR) in accordance with local requirements for public review of land use actions including, where applicable, such city's uniform land use review procedure;
 - (2) such city designates the lot where such dwelling or dwellings are located as subject to a program established in the zoning law, ordinance or resolution of such city that mandates that any new housing on designated lots include minimum percentages of permanently affordable housing equivalent to or exceeding the requirements under any mandatory inclusionary housing program;
 - (3) such dwelling or dwellings are not located on the same zoning lot as a building occupied in whole or in part for joint living-work quarters for artists pursuant to article seven-B of this chapter, or on the same zoning lot as a building subject to article seven-C of this chapter;
 - (4) such dwelling or dwellings are not located within an area designated by such city as a historic district;
 - (5) no multiple dwelling with a floor area ratio (FAR) exceeding 12.0 shall be newly constructed on or after the effective date of the chapter of the laws of two thousand twenty-four that amended this subdivision on any zoning or tax lot that contains a dwelling or multiple dwelling with a floor area ratio (FAR) below 12.0 unless such dwelling or multiple dwelling with a floor area ratio (FAR) below 12.0 complies with the requirements of section 27-2093.1 of the administrative code of the city of New York, or any successor law or program relating to the issuance of certificates of no harassment as defined in such section, in accordance with terms of such section or successor law or program, provided that nothing in this paragraph shall affect the application of such section to any other building; and
 - (6) the owner of a dwelling or dwellings that are demolished or removed to construct a multiple dwelling with a floor area ratio (FAR) exceeding 12.0 shall offer, to each household who occupied such a dwelling unit within the six months preceding such demolition or removal, financial compensation equal to one month's rent for every year of lawful tenancy in such dwelling unit, not to exceed six months, or a lease in a comparable unit at a comparable rent in a decent, safe, and sanitary dwelling in an area not generally less desirable in regard to public utilities and public and commercial facilities.
- c. In a city with a population of one million or more, a general project plan adopted by the

NEW YORK STATE
MULTIPLE DWELLING LAW

New York state urban development corporation for a project may permit a floor area ratio (FAR) of any [dwelling](#) or [dwellings](#) on a lot to exceed 12.0 provided that:

- (1) not less than twenty-five percent of any rental dwelling units in such project, upon initial rental and upon each subsequent rental following a vacancy, are affordable to and restricted to occupancy by individuals or [families](#) whose household income does not exceed a weighted average of eighty percent of the area median income, adjusted for family size, at the time such households initially occupy such dwelling units;
- (2) such [dwelling](#) or [dwellings](#) are not located on the same zoning lot as a building occupied in whole or in part for joint living-work quarters for artists pursuant to [article seven-B](#) of this chapter, or on the same zoning [lot](#) as a building subject to [article seven-C](#) of this chapter;
- (3) such [dwelling](#) or [dwellings](#) are not located within an area designated by such city as a historic district;
- (4) no multiple dwelling with a floor area ratio (FAR) exceeding 12.0 shall be newly constructed on or after the effective date of the chapter of the laws of two thousand twenty-four that amended this subdivision on any zoning or tax [lot](#) that contains a dwelling or multiple dwelling with a floor area ratio (FAR) below 12.0 unless such dwelling or multiple dwelling with a floor area ratio (FAR) below 12.0 complies with the requirements of section 27-2093.1 of the administrative code of the city of New York, or any successor law or program relating to the issuance of certificates of no harassment as defined in such section, in accordance with terms of such section or successor law or program, provided that nothing in this paragraph shall affect the application of such section to any other building; and
- (5) the New York state urban development corporation shall not be empowered to undertake the acquisition, construction, reconstruction, rehabilitation or improvement of a project pursuant to this paragraph unless the New York state urban development corporation finds that there is a feasible method for the relocation of [families](#) and individuals displaced from the project area into decent, safe and sanitary [dwellings](#), which are or will be provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities, at rents or prices within the financial means of such [families](#) or individuals, and reasonably accessible to their places of employment. Insofar as is feasible, the New York state urban development corporation shall offer housing accommodations to such [families](#) and individuals in residential projects of the New York state urban development corporation. The New York state urban development corporation may render to business and commercial tenants and to [families](#) or other persons displaced from the project area, such assistance as it may deem necessary to enable them to relocate.

4. [Height](#).

A [dwelling](#) may be erected to any [height](#) and any number of stories so long as it does not exceed the bulk limitations hereinafter prescribed.

5. [Rear yard](#).

- a. Except as otherwise provided in the zoning resolution of the city of New York and except as hereinafter provided for a [corner lot](#), an [interior lot](#) within one hundred feet of the point of intersection of the two street lines intersecting at an angle of one hundred thirty-five degrees or less, an [interior lot](#) fronting on a block measuring less than two hundred thirty feet in length between two intersecting streets or a [through lot](#), a [rear yard](#) shall be required for each [dwelling](#) and shall extend the entire width of the [lot](#) at every point. For [dwellings](#) occupying an entire block or a [through lot](#), no [rear yard](#) shall be required.

NEW YORK STATE
MULTIPLE DWELLING LAW

When [dwellings](#) do not exceed in area thirty-five per centum of the plot, the [department](#) shall permit such location of yards and courts as will promote the best possible plot ventilation. For purposes of this paragraph a, a block shall not be deemed less than an entire block because a portion thereof is conveyed after construction of such [multiple dwelling](#) or [dwellings](#) to a city for public park purposes.

- b. Except as otherwise provided in the zoning resolution of the city of New York, the minimum [depth](#) of a required [rear yard](#) shall be thirty feet for the first one hundred twenty-five feet above [curb level](#), and fifty feet above that point. The [depth](#) of a [rear yard](#) shall be measured at right angles from the [rear lot](#) line to the extreme exterior [rear](#) wall of the [dwelling](#). The provisions of this paragraph requiring a [rear yard](#) fifty feet in [depth](#) for portions of a building in excess of one hundred twenty-five feet above the [curb level](#) shall not be applied to a [tower](#).
- c. Except as otherwise provided in the zoning resolution of the city of New York, on a [corner lot](#) no [rear yard](#) shall be required, provided, however, every required window shall open into either:
 - (1) a lawful inner or outer court; or
 - (2) a side or [rear yard](#) with a minimum width or [depth](#) of thirty feet in one direction; or
 - (3) if such [lot](#) is less than ten thousand square feet in area, a side yard with a minimum width of twenty feet, or an inner space equivalent to the area of a lawful inner court.
- d. Except as otherwise provided in the zoning resolution of the city of New York, on any [through lot](#) one hundred ten feet or more in maximum [depth](#) from street to street, one of the following [rear yard equivalents](#) shall be provided:
 - (1) An open area with a minimum [depth](#) of sixty feet, extending across the entire [lot](#) and linking abutting [rear yards](#), or if no such [rear yards](#) exist, then an open area, with a minimum [depth](#) of sixty feet, midway (or within five feet thereof) between the two street lines upon which such [through lot fronts](#) and provided further that the provisions of paragraph b of this subdivision shall apply above a [height](#) of one hundred and twenty-five feet above the [curb level](#) as if such [rear yard equivalent](#) were two adjoining [rear yards](#); or
 - (2) Two open areas, each abutting and extending along the full length of a street line, and each with a minimum [depth](#) of thirty feet measured from such street line; or
 - (3) An open area adjoining and extending along the full length of each side [lot](#) line, with a minimum width of thirty feet measured from each side [lot](#) line.
- e. When the maximum [depth](#) of any [interior lot](#) owned separately and individually from all other adjoining tracts of land on December fifteenth, nineteen hundred sixty-one is less than seventy feet, the required [depth](#) of the [rear yard](#) of a [dwelling](#) on such [lot](#) for the first one hundred twenty-five feet above [curb level](#) may be decreased one foot for each foot by which the maximum [depth](#) is less than seventy feet. However, any such yard shall never be less than ten feet in [depth](#) at any point above its lowest level.
- f. Except for [fireproof](#) buildings and except as otherwise provided in this paragraph there shall be access from a street to the yard through a [fireproof](#) passage either in a direct line or through a court. Such passage shall be not less than three feet in clear width and seven feet in [height](#). Such passage shall not be required for a [multiple dwelling](#) which does not exceed three stories in [height](#) and is not [occupied](#) by more than one [family](#) on any [story](#) or three [families](#) in all or for a [dwelling](#) which does not exceed two stories in [height](#) and is not [occupied](#) by more than two [families](#) on any [story](#) or four [families](#) in all provided every required means of egress from such [dwelling](#) leads directly to a street or to an outer court opening upon a street. When a [dwelling](#) does not exceed three stories in [height](#) and is not [occupied](#) by more than two [families](#) on any [story](#), such passage may be of [fire-retarded](#) construction.

NEW YORK STATE
MULTIPLE DWELLING LAW

6. Side yard.

Except as otherwise provided in the zoning resolution of the city of New York, no side yard shall be required. If a side yard is provided it shall in no event be less than eight feet in width at any point. Such side yard need not exceed thirty feet in width.

7. Courts.

Except as otherwise provided in the zoning resolution of the city of New York:

- a. An inner court shall have minimum width of four inches per foot for each one foot of [height](#) of such court, but in no event less than fifteen feet in width at any point. The area of such inner court shall be twice the square of the width of the court dimension based on the [height](#) of such court, but in no event less than three hundred fifty square feet in area. The area of such court need not exceed one thousand two hundred square feet provided that the minimum horizontal distance between any required window of a [living room](#) opening on an inner court shall not be less than thirty feet from any wall opposite such window. For a [dwelling](#) three stories or less in [height](#), an inner court may have a minimum width of three inches for each one foot of [height](#) of such court, but in no event less than ten feet in width at any point. The area of such court shall be twice the square of the required width of court dimension based on the [height](#) of such court but in no event less than two hundred fifty square feet in area. An air in-take of [fireproof](#) construction shall be provided at or near the lowest level of every inner court of [dwellings](#) exceeding two stories in [height](#), and shall communicate directly with a street or yard. Such in-take shall have a vertical cross-sectional area of not less than twenty-one square feet and a minimum width of not less than three feet in its least dimension, and shall be open and unobstructed throughout, except that where the intake is not used as a passage or exit, gates or grilles which do not interfere with ventilation may be installed.
- b. An outer court at any given [height](#) shall have a minimum width at least equal to twice the [depth](#) of such outer court if such outer court is less than thirty feet wide. Such outer court shall have a width at least equal to its [depth](#) if such court is thirty feet or more in width. An outer court need not exceed sixty feet in width. Except as provided in [section sixty](#), an outer court on a side [lot](#) line may begin at the level of the floor of the lowest [story](#) in which there is a [living room](#) opening therefrom. Any outer court not on a side [lot](#) line may begin at any level, the [height](#) of such court to be measured from the level at which such court begins.

7-a. Lights in [rear yards](#), side yards, [front](#) yards and courts.

The [owner](#) of every [dwelling](#) shall install and maintain in every [rear yard](#), side yard, [front](#) yard and court a light or lights of at least forty watts of incandescent illumination or equivalent illumination, in such locations as the [department](#) may prescribe, which shall be kept burning from sunset on each day to sunrise on the day following.

8. Level of areas adjoining [living rooms](#).

The bottom of any yard, [rear yard equivalent](#), court or other open area which abuts or adjoins and gives light or ventilation to a [living room](#) shall be at the floor level or lower of such [living room](#), except that:

- a. If the [depth](#) of a yard exceeds the minimum required [depth](#) by as much as one-half, the bottom of such yard may be at any level not higher than six inches below the window sills of any such adjoining [living room](#) and not more than three feet above the floor of such room.
- b. If the width of an outer court exceeds the minimum required by as much as forty per centum, the bottom of such court may be at any level permitted by paragraph a for a yard

NEW YORK STATE
MULTIPLE DWELLING LAW

or [rear yard equivalent](#).

9. Permitted obstructions.

Every yard and court shall comply with all the requirements of this section and be open and unobstructed at every point from the lowest level to the sky except that the following shall not be deemed to obstruct or reduce the area of otherwise lawful yards, [rear yard equivalents](#) or courts, provided that required light and ventilation for [living rooms](#) and required egress from the [dwelling](#) are maintained to the satisfaction of the [department](#):

- a. Accessory off-street parking spaces, open or enclosed, conforming to the applicable provisions of [section sixty](#).
- b. [Fire escapes](#) erected as provided in paragraph b of subdivision two of [section fifty-three](#).
- c. In a yard or [rear yard equivalent](#), boiler flues or chimneys projecting not more than three feet into such yard and provided every such flue or chimney does not exceed two per cent of the required area of the yard.
- d. Outside stairways, [fire towers](#), platforms or balconies or other similar projections which extend beyond the wall of the [dwelling](#).
- e. Enclosures of balconies or spaces erected as provided in subdivision four of [section thirty](#).
- f. Arbors, trellises, awnings or canopies, fences, flag poles, open steps, or breezeways.
- g. Recreational or drying yard equipment except as otherwise provided in [section fifty-six](#).
- h. Walls not exceeding eight feet in [height](#) and not roofed or part of a [structure](#).
- i. Retaining walls to protect adjoining [premises](#) provided such walls are not more than fifteen feet in [height](#) measured from the [curb level](#) of the [lot](#) on which such walls are erected, do not extend above the sill of any required [living room](#) window on the first [story](#) facing such a wall and do not extend more than thirty-six inches into the required area of a yard, [rear yard equivalent](#) or court.
- j. A party wall not more than twelve inches into the required area of a yard, or [rear yard equivalent](#) or court.
- k. Nothing in this section shall be deemed to prevent cutting off the corners of any yard, [rear yard equivalent](#) or court, provided the running length of the wall at the angle of such yard or court does not exceed seven feet.
- l. In a [rear yard equivalent](#), an enclosed passageway connecting portions of separate buildings where such passageway does not exceed fourteen feet in [height](#) and fifteen feet in width measured between the outer faces of the walls thereof.
- m. In a city with a population of one million or more, the area of yards, [rear yard equivalents](#), courts or open spaces required by this section, [section one hundred seventy-two](#) or [section two hundred twelve](#) of this chapter shall not be deemed to be reduced or obstructed by exterior wall thickness of up to eight inches added to the exterior of a building to accommodate the addition of insulation to the extent that such exterior wall thickness is a permitted obstruction for such building under the zoning resolution of such city.

10. Nothing contained in this section shall be deemed to prevent the turfing over of any yard or court space or the planting of shrubs or trees therein when approved by the [department](#).

11. Pending actions or proceedings.

Nothing contained in this section shall affect or impair any act done, offense committed or right accruing or accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to December fifteenth, nineteen hundred sixty-one, but the same way may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this section

NEW YORK STATE
MULTIPLE DWELLING LAW

had not been enacted.

§28. Two or more buildings on same lot.

1. If any separate multiple dwelling is erected after April eighteenth, nineteen hundred twenty-nine, upon the rear of a lot which has another multiple dwelling on the front or upon the front of a lot which has another multiple dwelling on the rear, access shall be provided to the rear dwelling from a street by means of an unobstructed court at least twenty feet in width.
2. Except as otherwise provided for motor vehicle storage space in section sixty and for dwellings erected, enlarged, converted or altered pursuant to plans filed prior to December fifteenth, nineteen hundred sixty-one in accordance with the provisions of subdivision one of section twenty-six, if any building or dwelling is placed on the rear of the same lot with a multiple dwelling or a multiple dwelling is placed anywhere on the same lot with another building, there shall be left between the two buildings an open space unoccupied from the ground up and at least forty feet in depth, measured in the direction from one building to the other for the first one hundred twenty-five feet above the curb level, and eighty feet above that point. The provisions of this subdivision requiring an open space eighty feet in depth between portions of buildings in excess of one hundred twenty-five feet above the curb level shall not be applied when both such portions are towers.
3. If on the rear of a lot any such building or any portion thereof is used for business purposes, a separate passageway at least three feet six inches wide and seven feet high shall be provided leading from every such open space adjacent to such building to a street. No such passageway shall connect with, go through or form a part of any entrance hall or other public hall of a multiple dwelling upon the front of the lot.

§29. Painting of courts and shafts.

The exterior surface of all walls of all courts and shafts of multiple dwellings, except of outer courts opening on a street, and courts having dimensions of at least fifty percent in excess of the minimum set forth in section twenty-six, shall be of a

NEW YORK STATE
MULTIPLE DWELLING LAW

lightcolored brick or stone, or be thoroughly whitewashed or painted a light color by the [owner](#) and be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be determined and required by the [department](#).

§30. Lighting and ventilation of rooms.

1. The provisions of this section shall apply only to [multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, and shall apply to all such [dwellings](#) unless otherwise expressly limited.
2. Except as in this section and in sections [thirty-three](#), [seventy-six](#), [one hundred fifteen](#), [one hundred sixty](#), [one hundred seventy-six](#), [two hundred](#), [two hundred thirteen](#), [two hundred fifty](#) and [two hundred fifty-one](#) otherwise expressly provided, every room, including kitchens, water-closet compartments and bathrooms, shall have at least one window opening directly upon a street or upon a lawful yard, court or space above a setback upon the same [lot](#) as that [occupied](#) by the [multiple dwelling](#) in which such room is situated. Every such window shall be so located as to light properly all portions of the room.
3. No room in any [apartment](#) of three rooms or less, and no room in any non-fireproof [apartment](#), shall extend in [depth](#), from a street or yard on which it faces, more than thirty feet without a window opening on a lawful court.
4.
 - a. Nothing in this section or [section twenty-six](#) shall be construed as prohibiting the windows or doors of any room from opening on a partially-enclosed balcony or space above a setback, provided such balcony or space opens directly to a street or to a lawful yard or court and the area of the [front](#) of the balcony or space which is open to the outer air is at least equal to seventy-five per centum of the floor surface area of such balcony or space. Any [living room](#) thus lighted and ventilated by windows or doors opening on such balcony or space shall be at most thirty feet in [depth](#) measured from the extreme outer face of the wall forming the partial enclosure of the balcony or space. The windows or doors providing light and ventilation for a room or rooms opening exclusively on such a balcony or space shall have altogether at least the area of one-tenth of the combined floor surface of such room or rooms and the portion of the balcony or space directly adjoining and in [front](#) of such room or rooms.
 - b. On a [fireproof dwelling](#) a balcony or space above a setback permitted under paragraph a of this subdivision may be completely enclosed, provided the outer enclosing wall or walls and roof are constructed of incombustible materials and the walls are glazed with clear plate glass or plastic equivalent and such glazed wall area is equal to at least fifty per centum of the area of the interior walls enclosing such balcony or space. At least fifty per centum of the glazed area shall be openable directly upon a street or upon a lawful yard or court. No window shall open from any bathroom, water-closet compartment or cooking space upon such enclosed balcony.
 - c. The enclosure on any balcony or a space above a setback shall not
 - (1) be more than one [story](#) in [height](#) or
 - (2) be erected in violation of the provisions of paragraph a of subdivision six of [section one hundred two](#) of this chapter.
5. No [multiple dwelling](#) shall be so altered as to diminish the light or ventilation of any room or [public hall](#) or [stairs](#) in any way not approved by the [department](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

6. No window shall be required in any [public room](#) of a [fireproof multiple dwelling](#) if such room is used solely for storage purposes or has adequate mechanical ventilation maintained to provide at least the number of changes of the air volume of such room approved by the [department](#) as necessary for the health and safety of the occupants of such [dwelling](#). Any fresh air supply system required by the [department](#) for such purposes shall be provided with adequate means for removing dust from the incoming air and with adequate means to heat such air at least to sixty degrees Fahrenheit.
7. No required window shall open upon any offset or recess less than six feet in width except a window of a water-closet compartment, bathroom, or [stair](#) or of a cooking compartment less than eighty square feet in floor surface area.
8.
 - (a) The windows in every room, except a water-closet compartment, bathroom, or cooking space less than eighty square feet in floor surface area, shall have a total area at least one-tenth of the floor surface area of such room and every window in such a room, including a mullioned casement window, shall be at least twelve square feet in area.
 - (b) All required windows shall be so constructed that at least one-half of their required area may be opened, except that a mullioned casement window, if otherwise large enough to supply the window requirements of the room, need be readily openable to the outer air only to the extent of five and one-half square feet of its area.
 - (c) Where fresh air is furnished in any room through a mechanical ventilating unit or system which is an integral part of the [dwelling structure](#) and capable of introducing not less than forty cubic feet of air per minute, the required window area in such room need be openable only to the extent of twenty-five per cent of such window area but in no event less than five and one-half square feet.
9. Transoms or partition sash, or louvres having a minimum area of 144 square inches and arranged to be opened or closed, shall be provided to private halls or to adjoining rooms to secure through-ventilation whenever required by the [department](#), but no such transom or partition sash or louver shall be required in a room having two windows opening to the outer air if each window is at least nine square feet in area, or in a room having a mullioned or single window with an aggregate area of at least eighteen square feet.
10. All windows and their assemblies in walls situated on a [lot](#) line, except those facing on a street, shall be [fireproof](#), with assemblies having a fire-resistive rating of at least three-quarters of an hour and glazed with wire glass at least one-quarter of an inch thick. Every opening in a wall situated on a [lot](#) line which is less than fifty feet in a vertical direction above a non-fireproof roof of another [structure](#) within a distance of thirty feet of the wall in which the opening is located shall be an automatic [fireproof](#) window.

§31. Size of rooms.

1. The provisions of this section, except subdivision six, shall apply only to [multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, and shall apply to all such [dwellings](#) unless otherwise expressly limited.
2. Except as in this section and in [section thirty-three](#) otherwise expressly provided, rooms, except kitchens, water-closet compartments and bathrooms, shall meet the following minimum requirements as to size:
 - a. In each [apartment](#) in a [class A multiple dwelling](#) there shall be at least one [living room](#) containing at least one hundred thirty-two square feet of floor area.

NEW YORK STATE
MULTIPLE DWELLING LAW

- b. Every [living room](#), except as provided in paragraph e, shall contain at least eighty square feet of [floor space](#).
 - c. Every room shall be at least eight feet high, the measurements to be taken from the finished floor to the finished underside of the ceiling beams except that as many as four beams crossing the ceiling of any [basement](#) room may be disregarded if none of them exceeds twelve inches in width or extends below the ceiling more than six inches.
 - d. Every [living room](#) shall be at least eight feet in its least horizontal dimension, except as provided in paragraph e and except that any number of bedrooms up to one-half of the total number in any [apartment](#) containing three or more bedrooms may have a least horizontal dimension of seven feet or more.
 - e. A one-room [apartment](#) in a [class B multiple dwelling](#) may be as small as sixty square feet in its floor area and six feet in its least dimension.
3. The requirements of this section with respect to the least horizontal dimension and the minimum area of rooms shall not be applicable to any room in a [fireproof class B multiple dwelling occupied](#) as a [lodging house](#) in which every [apartment](#), other than one [apartment occupied](#) exclusively by a person or persons engaged in the maintenance or supervision of such [multiple dwelling](#), consists of one room and in which every such room opens directly upon a [public hall](#).
 4. [Dining bays](#) with a floor area of fifty-five square feet or less shall not be considered as rooms or alcoves and shall not be required to comply with the provisions of [section thirty-two](#). Every such [dining bay](#) shall be equipped with such appropriate permanent fittings as may be required by the [department](#) and shall be provided with at least one window opening directly upon a street or upon a lawful yard, court or space above a setback. Such window shall have an area of at least one-eighth of the floor area of such [dining bay](#).
 5. A portion of any [apartment](#) used as an entrance hall to such [apartment](#) may be designated as a [foyer](#). Such a [foyer](#) shall not be considered a room if the [department](#) shall so permit and if either
 - a. Its floor area does not exceed ten per centum of the total floor area of such [apartment](#), or
 - b. Every room in such [apartment](#) exceeds in area the minimum required area of such room by more than twenty per centum and the floor area of such [foyer](#) does not exceed twenty per centum of the floor area of such [apartment](#).
 6.
 - a. Except in [class B dwellings](#) and dormitories, no room shall be [occupied](#) for sleeping purposes by more than two adults, considering children of twelve years of age or more as adults and two children between the ages of two and eleven years inclusive as the equivalent of one adult. Children under two years of age need not be considered as occupants. No room shall have sleeping accommodations for more persons than can be accommodated in conformity with the provisions of this subdivision.
 - b. Every room in every [dwelling](#), whenever erected, shall have at least four hundred cubic feet of air for each adult, and two hundred cubic feet of air for each child occupying such room. Except in [class B dwellings](#), dormitories and except as otherwise provided in subdivision two of [section thirty-one](#) or in [section thirty-four](#) for [dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, and in sections [one hundred seventy-four](#), [two hundred fourteen](#) and [two hundred sixteen](#), every [living room](#) shall
 - (1) contain sixty square feet or more of [floor space](#),
 - (2) be at least six feet wide at its narrowest part,

NEW YORK STATE
MULTIPLE DWELLING LAW

- (3) if a sleeping room, contain seventy-five square feet or more of [floor space](#) and
- (4) if less than seventy-five square feet in floor area, shall not be [occupied](#) by more than one adult.

§32. Alcoves.

1. Every alcove, except a lawful cooking space, opening from any room in any [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, shall be separately lighted and ventilated as provided for other rooms in [section thirty](#). It shall have a floor area of at least seventy square feet, a least horizontal dimension of at least seven feet and an opening at least sixty square feet in area into the room which it adjoins.
2. Except for [cubicles](#) permitted in [lodging houses](#), no part of any room in any [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device, unless each such enclosure or subdivision shall contain a separate window as required for a room by [section thirty](#) and a [floor space](#) of at least seventy square feet.

§33. Cooking spaces.

1. Every space which is intended, arranged or designed for cooking or warming of food shall be either a kitchen or kitchenette. The term "kitchen" shall mean such a space eighty square feet or more in floor area. The term "kitchenette" shall mean such a space which is less than eighty square feet in floor area.
2. Every cooking space shall be deemed to be in compliance with this section if such space was accepted or approved by the [department](#) on or before June thirtieth, nineteen hundred ninety-five, and is maintained in accordance with such acceptance or approval.
3. Except as provided in sections [sixty-one](#) and [sixty-seven](#) and subdivision two of this section, a kitchen or kitchenette shall be unlawful unless it is constructed, arranged and maintained in compliance with the following applicable provisions:
 - a. The ceiling and walls, exclusive of doors, of all kitchenettes shall be [fire-retarded](#) or in lieu thereof such space shall be equipped with one or more sprinkler heads to fuse at a temperature not higher than two hundred twelve degrees Fahrenheit. Such heads shall be connected to the water supply through a pipe of at least one-half inch inside diameter.
 - b. In every kitchen and kitchenette, all combustible material immediately underneath or within one foot of any apparatus used for cooking or warming of food shall be [fire-retarded](#) or covered with asbestos at least three-sixteenths of an inch in thickness and twenty-six gauge metal or with fire-resistive material of equivalent rating, except where such apparatus is installed in accordance with requirements established by the [department](#) in conformity with generally accepted safety standards for such apparatus. There shall always be at least two feet of clear space above any exposed cooking surface of such apparatus.
 - c. Every kitchenette constructed after July first, nineteen hundred forty-nine, shall be provided with a window opening upon a street or upon a yard, court, [shaft](#), or upon any space above a setback. Such window shall be at least one foot wide, have a total area of at least three square feet and be at least ten per centum of the superficial floor area of such kitchenette. In lieu of such window, such kitchenette may be provided with mechanical ventilation to provide at least six changes per hour of the air volume of such kitchenette

NEW YORK STATE
MULTIPLE DWELLING LAW

or, when such kitchenette is on the top [story](#), may have a skylight at least one foot wide with a total area of at least four square feet or one-eighth of the area of the kitchenette, whichever is greater, and shall have ventilating openings of at least one-half of the area of the skylight.

- d. Every kitchenette constructed after July first, nineteen hundred forty-nine, may be equipped with a door or doors, provided the lower portion of each such door has a metal grille containing at least forty-eight square inches of clear openings or, in lieu of such a grille, there are two clear open spaces, each of at least twenty-four square inches, one between the bottom of the door and the floor, and the other between the top of each such door and the head jamb.
- e. Every kitchen and kitchenette shall be provided with gas or electricity or both, and shall be equipped for artificial lighting.

§34. Rooms in [basements](#) and [cellars](#).

1. In any [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, every room in a [cellar](#) or [basement](#) shall have a permit as provided in subdivision five of [section three hundred](#) and, except as provided in subdivision six of this section, shall comply with the following conditions:
 - a. Such rooms shall be everywhere at least eight feet high from the floor to the ceiling, except that in a [basement](#) room as many as four beams twelve inches or less in width and extending six inches or less below the ceiling may be disregarded.
 - b. Except as otherwise provided in paragraph f, the ceiling of every such room in the [front](#) part of the [dwelling](#), or in an [apartment](#) or suite extending to the [front](#) part, shall be at every point of such room at least four feet six inches above the [curb level](#) directly in [front](#) of such point on the street in [front](#) of the [dwelling](#); and the ceiling of every other such room, unless the yard of the [dwelling](#) is sixty feet or more in [depth](#) or extends to a street along its entire width, shall be at every point of such room at least two feet above the [curb level](#) directly in [front](#) of such point on the street in [front](#) of the [dwelling](#). Every yard or court upon which any such [cellar](#) or [basement](#) room or [apartment](#) opens shall, conform to the requirements of subdivision eight of section [twenty-six](#). Every such room, except as otherwise provided in paragraphs e and f, shall be an integral part of an [apartment](#) or suite containing at least one room with a window opening directly upon a street or yard. Except as provided in paragraphs e and f, and if the yard of such a [dwelling](#) is less than sixty feet in [depth](#) there shall be not more than one [apartment](#) or suite in any [cellar](#) therein and any such [apartment](#) or suite shall contain not more than five rooms, shall be supplied with water closet and bath accommodations, and shall not open upon any court less than five feet in width. Every part of such an [apartment](#) or suite shall either be within twenty-five feet of the inner surface of the [front](#) or [rear](#) wall of the [dwelling](#) or have a window opening upon a court of at least the dimensions prescribed in section [twenty-six](#) but never less than ten feet wide.
 - c. Every such [cellar](#) or [basement](#) room shall have access to a water-closet constructed and arranged as prescribed in section [seventy-six](#).
 - d. Every such room shall have a window or windows complying with the requirements of [section thirty](#). The aggregate area of windows in each such room, except as provided in paragraph f, shall be at least one-eighth of the horizontal area of the room. Each such window shall be constructed so that the upper half of its area can be opened, and shall open upon a street, court or yard. The underside of the top stop-bead of each such

NEW YORK STATE
MULTIPLE DWELLING LAW

window shall be within twelve inches of the ceiling. One window in each such room shall have an area of at least twelve square feet.

- e. In addition to a janitor's [apartment](#) three rooms or less may also be provided in the [cellar](#) of such a [dwelling](#) exclusively for the use of persons regularly and continuously employed in the maintenance of such [dwelling](#). Every such room shall be completely separated from any other room or private hall and shall comply with all the provisions respecting a janitor's [apartment](#) except those relating to water-closet and bath, but there shall be at least one water-closet and bath accessible from each such room without passing through a janitor's [apartment](#). No other rooms in such a [cellar](#) shall be [occupied](#) for living or sleeping purposes, except as permitted in paragraphs b and f. Whenever a janitor's [apartment](#) in the [cellar](#) of such a [dwelling](#), or a room therein, is expressly excepted from a requirement in any provision of this chapter, such exception shall apply also to any [cellar](#) room lawfully [occupied](#) as in this paragraph provided.
- f.
- (1) When the [lot](#) of such a [dwelling](#) abuts upon two or more streets and the difference in level between the highest and the lowest points of the curbs adjoining the [lot](#) is more than ten feet, a room below the highest curb point may be used for living purposes provided it opens upon a street or upon a lawful court or yard which connects directly with a street or, if the floor of such room is not more than twelve feet below the highest curb point, upon an interior court with a least dimension of not less than thirty feet if such court is situated on a [lot](#) line, and otherwise with a least dimension not less than fifty feet. Every such room shall be at least nine feet high from finished floor to finished ceiling. When any such room or an [apartment](#) containing it faces a street, the ceiling of the room at every point shall be at least four feet six inches above the [curb level](#) of such street directly in [front](#) of such point. For the purpose of determining the required dimensions of a court or yard of any [dwelling](#) subject to the provisions of this sub-paragraph, the [height](#) of such [dwelling](#) shall be measured from the lowest point of such court or yard.
 - (2) When the [lot](#) of such a [multiple dwelling](#) does not run through from street to street and there is a difference in level exceeding twenty feet between the highest point of the curb in [front](#) of the [dwelling](#) and the lowest point of the curb on a street directly in the [rear](#) of the [dwelling](#) which street is within one hundred twenty-five feet of the [rear](#) line of the [lot](#), a room below the level of the highest point of the curb in [front](#) of the [dwelling](#) may be used for living purposes provided such room opens upon a yard or a court adjoining a yard. The floor of any such room shall be at least six inches above the level of every part of every yard and court upon which such room opens and of the curb on the street in the [rear](#) of such [dwelling](#) and also of all intervening ground between the [rear](#) street and the [rear lot](#) line. Every such room shall be at least nine feet high from finished floor to finished ceiling. The required dimensions of a yard, or of a court adjoining a yard, on which such a room opens in any [dwelling](#) subject to the provisions of this sub-paragraph, shall be determined by the [height](#) of such [dwelling](#) measured from the lowest point of such yard or court.
 - (3) In any portion of a [multiple dwelling](#) arranged for living purposes below the [curb level](#) under authority of either of the sub-paragraphs above there shall be no wood beams, wood lintels or other wood structural members, nor shall any wood or other inflammable material be used in any partitions, furrings or ceilings.

NEW YORK STATE
MULTIPLE DWELLING LAW

2. Every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, whenever the [department](#) shall deem it necessary, shall have all walls below the ground level and all [cellar](#) or lower floors damp-proofed and water-proofed. Such damp-proofing and water-proofing shall run throughout the [cellar](#) or other lowest floor and through and up the walls as high as the ground level.
3. Every [cellar](#) and [basement](#) in every [multiple dwelling](#) shall be properly lighted and ventilated to the satisfaction of the [department](#).
4. In every [multiple dwelling](#) the [cellar](#) walls and ceilings, except in rooms [occupied](#) as provided in paragraph f of subdivision one or in subdivision six, shall either be constructed of light-colored material or be thoroughly whitewashed or painted a light color by the [owner](#), and shall be so maintained. Such whitewash or paint shall be renewed whenever necessary, as may be determined and required by the [department](#).
5. Notwithstanding any provisions of this section or of subdivision five of [section three hundred](#), an [apartment](#) or room in a [cellar](#) which was [occupied](#) for living purposes at any time on or after October first, nineteen hundred fifty-two may thereafter continue to be [occupied](#) for such purposes until July first, nineteen hundred sixty-seven, in accordance with the conditions imposed by subdivision five of [section two hundred sixteen](#).
6. An [apartment](#) in a [cellar](#) or [basement](#) of any [multiple dwelling](#) may be used for living purposes provided all of the following conditions are complied with:
 - a. Such [apartment](#) has at least one half of its [height](#) and all of its window surfaces above every part of an "adequate adjacent space." Such "adequate adjacent space" shall be open to the sky, shall be properly drained to the satisfaction of the [department](#), and shall be a continuous surface area outside the [dwelling](#) not less than thirty feet in its least dimension and abutting at same level, or directly below, every part of the exterior walls of such [apartment](#) and of every other [apartment](#) on the same floor. Such "adequate adjacent space" shall include only space which is located on the same [lot](#) or plot as the [dwelling](#) or on a street or public place or space.
 - b. Every [living room](#) of such [apartment](#) is everywhere at least eight feet high from the floor to the ceiling in [dwellings](#) erected after July first, nineteen hundred fifty-seven, and seven feet in [dwellings](#) erected prior thereto.
 - c. All parts of the exterior walls of the [dwelling](#) which are below ground level and on the same floor as such [apartment](#) or above such floor are dampproof to the satisfaction of the [department](#) and the floor of such [apartment](#) is dampproof and waterproof.
 - d. The yard and every court of the [dwelling](#) containing such [apartment](#) are adequately drained to the satisfaction of the [department](#).
 - e. If any part of the [apartment](#) is below the "adequate adjacent space" referred to in paragraph a of this subdivision, all ceilings, walls and partitions of such [apartment](#) are [fire-retarded](#) or the rooms and spaces within such [apartment](#) are protected by a sprinkler system to the satisfaction of the [department](#).
 - f. Such [apartment](#) and every part of the floor on which it is situated meet all of the requirements which would be in effect for such floor if none of the rooms thereon were used for living purposes.
 - g. Such [apartment](#) complies with all of the requirements for [apartments](#) in the same [dwelling](#) which are not in a [cellar](#) or [basement](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

- h. The floor on which such [apartment](#) is situated, if a [cellar](#), shall nevertheless be counted as a [story](#) for the purpose of all requirements except those relating to the [height](#) of the [dwelling](#).

§35. Entrance doors and lights.

In every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, every door giving access to an entrance hall from outside the [dwelling](#) shall contain at least five square feet of glazed surface. The width of every such door shall be at least seventy-five per centum of the required clear width of such entrance hall as provided in [section fifty](#), except that when a series of such entrance doors is provided their aggregate clear width shall not be less than seventy-five per centum of the required width of the entrance hall and the clear width of each of the doors separately shall be at least two feet six inches. Such a door opening upon a street or a court extending to a street may be of wood. Such a door opening upon a yard or upon a court not extending to a street shall be [fireproof](#). The [owner](#) of every [multiple dwelling](#) shall install and maintain a light or lights at or near the outside of the [front](#) entrance-way of the building which shall in the aggregate provide not less than fifty watts incandescent illumination for a building with a frontage up to twenty-two feet and one hundred watts incandescent illumination for a building with a frontage in excess of twenty-two feet, or equivalent illumination and shall be kept burning from sunset every day to sunrise on the day following. In the case of a [multiple dwelling](#) with a frontage in excess of twenty-two feet, the [front](#) entrance doors of which have a combined width in excess of five feet, there shall be at least two lights, one at each side of the entrance way, with an aggregate illumination of one hundred fifty watts or equivalent illumination. In enforcing this provision the [department](#) shall permit [owners](#) to determine for themselves the actual location, design and nature of the installation of such light or lights to meet practical, aesthetic and other considerations, so long as the minimum level of illumination is maintained.

§36. Windows and skylights for [public halls](#) and [stairs](#).

1. In every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, one at least of the required windows provided to light each [public hall](#) or part thereof shall be at least two feet six inches wide and five feet high. Every required window in such a hall shall open upon a street, court, yard or space above a setback. On the top [story](#) of such a [dwelling](#) a ventilating skylight of the same dimensions shall be accepted in lieu of a window for that [story](#).
2. In every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, there shall be in the roof, directly over each required [stair](#), [fire-stair](#) and [fire-tower](#), a ventilating skylight provided with ventilators having a minimum opening of forty square inches or with fixed or movable louvres. The roof of every such skylight shall be glazed with plain glass and equipped with suitable wire screens above and below. The glazed area of every such skylight shall be at least twenty square feet, except that in a class A [dwelling](#) or [section](#) thereof two stories or less in [height](#) and [occupied](#) by not more than two [families](#) on each [story](#) and in [dwellings](#) three stories in [height](#) erected pursuant to plans filed with the [department](#) on or after May first, nineteen hundred fifty-nine and [occupied](#) by not more than one [family](#) on each [story](#), the glazed area of such a skylight need be only nine square feet. In lieu of a skylight a window of the same area as prescribed in subdivision one may be provided. If such a window is used in lieu of a skylight, fixed louvres having a minimum opening of forty square inches shall also be installed in or directly adjacent to such window.

NEW YORK STATE
MULTIPLE DWELLING LAW

3. When any [stair](#), [fire-stair](#) or [fire-tower](#) in such a [dwelling](#) terminates at the level of a setback of an outer wall and such setback consists of a terrace at least four feet in width, measured between the inside of the parapet wall and the wall of the building, and at least ten feet in length, measured parallel to the wall of the building, there may be provided in lieu of such a skylight a [fireproof](#) door and assembly with the door self-closing giving access from such [stair](#), [fire-stair](#) or [fire-tower](#) to such terrace. Such door shall have a panel at least five square feet in area glazed with wire glass and shall be equipped with fixed or movable louvres with an opening of at least forty square inches.

§37. Artificial hall lighting.

1. In every [multiple dwelling](#) the [owner](#) shall provide a light or lights, each of at least sixty watts incandescent or twenty watts cool white fluorescent or equivalent illumination, for every vestibule and entrance hall in every [public hall](#), [stair](#), [fire-stair](#) and [fire-tower](#) on every floor. Said light or lights shall be located as prescribed by the [department](#), but, in every [stair](#), [fire-stair](#) or [fire-tower](#), shall be so located that every part thereof shall be lighted.
2. Except as provided in subdivision three, every such light shall be turned on by the [owner](#) at sunset every day and shall not be turned off by the [owner](#) until the following sunrise. Every such light shall be kept burning daily from sunset until sunrise, but if it becomes extinguished and remains so without the knowledge or consent of the [owner](#) he shall not be liable. The burden shall be upon the [owner](#) to show that the light became and remained extinguished without his knowledge or consent.
3. Every light in every [fire-stair](#) and [fire-tower](#) at every [story](#), and in every [stair](#) and [public hall](#) at every [story](#) where there is no window opening to the outer air, shall be kept burning continuously except that this provision shall not apply to [public halls](#) lighted as provided in subdivision eleven of [section two hundred seventeen](#).
4. When the natural light in any [public hall](#) in a [multiple dwelling](#) is not sufficient to permit a person to read the names on a mail box or other receptacle for mail, the [owner](#) shall install a lighting fixture directly over such mail box or receptacle and maintain it in serviceable condition, so that a light may be turned on at any time for the convenience of tenants or the mail carrier.

**TITLE 2
FIRE PROTECTION AND SAFETY**

§50. Entrance halls.

Every entrance hall in every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, shall be at least four feet in clear width from the entrance to the first [stair](#), and beyond that shall be at least three feet eight inches in clear width. If such an entrance hall is the only entrance to more than one flight of [stairs](#), the required width of such hall shall be increased in every part, for each such additional flight of [stairs](#), by one-half the width required for one flight of [stairs](#).

§50-a. Entrances: doors, locks and intercommunication systems.

1. Every entrance from the street, passageway, court, yard, [cellar](#), or similar entrance to a [class A multiple dwelling](#) erected or converted after January first, nineteen hundred sixty-eight, except an entrance leading to the main entrance hall or lobby which main entrance hall or lobby is equipped with one or more automatic self-locking doors, shall be equipped

NEW YORK STATE
MULTIPLE DWELLING LAW

- with automatic self-closing and self-locking doors and such doors shall be locked at all times except when an attendant shall actually be on duty. Every entrance from the roof to such a [dwelling](#) shall be equipped with a self-closing door which shall not be self-locking and which shall be fastened on the inside with movable bolts, hooks or a lock which does not require a key to open from inside the [dwelling](#).
2. Every [class A multiple dwelling](#) erected or converted after January first, nineteen hundred sixty-eight containing eight or more [apartments](#) shall also be equipped with an intercommunication system. Such intercommunication system shall be located at an automatic self-locking door giving public access to the main entrance hall or lobby of said [multiple dwelling](#) and shall consist of a device or devices for voice communication between the occupant of each [apartment](#) and a person outside said door to the main entrance hall or lobby and to permit such [apartment](#) occupant to release the locking mechanism of said door from the [apartment](#).
 3. On or after January first, nineteen hundred sixty-nine, every [class A multiple dwelling](#) erected or converted prior to January first, nineteen hundred sixty-eight, shall be equipped with automatic self-closing and self-locking doors, which doors shall be kept locked except when an attendant shall actually be on duty, and with the intercommunication system described in paragraph two of this section, provided that tenants occupying a majority of all the [apartments](#) within the [structure](#) comprising the [multiple dwelling](#) affected request or consent in writing to the installation of such doors and intercommunication system on forms which shall be prescribed by the [department](#), except that in the event a majority of tenants in occupancy request or consent on or after January first, nineteen hundred sixty-eight, to the installation of such doors or intercommunication system such installation shall be started within ninety days, but need not be completed until six months after the [owner's](#) receipt of requests or consents by a majority of the tenants, except that in any such [multiple dwelling](#) owned or operated by a municipal housing authority organized pursuant to article thirteen of the public housing law, such installation need not be completed until one year after the [owner's](#) receipt of requests or consents by a majority of the tenants. If the [dwelling](#) is subject to regulation and control of its residential rents pursuant to the local emergency housing rent control act, the local city housing rent agency shall upon the filing of executed forms containing the required requests or consents, prescribe the terms under which the costs of providing such doors and intercommunication systems may be recovered by the [owner](#) from the tenants. In any [multiple dwelling](#) built pursuant to the provisions of the redevelopment companies law in which residential rents are limited by contract, the costs of providing such doors and intercommunication systems may be recovered by the [owner](#) from the tenants. The terms under which such costs may be recovered shall be the same as those prescribed by the local city housing rent agency in the city in which the [multiple dwelling](#) is located for [dwellings](#) subject to regulation and control of rent pursuant to the local emergency housing rent control act. Such costs shall not be deemed to be "rent" as that term is limited and defined in the contract.
 4. All such self-closing and self-locking doors, and intercommunication systems shall be of a type approved by the [department](#) and by such other [department](#) as may be prescribed by law and shall be installed and maintained in a manner prescribed by the [department](#) and by such other [department](#).
 5. Every [owner](#) who shall fail to install and maintain the equipment required by this section, in the manner prescribed by the [department](#), and by such other [department](#) as may be

NEW YORK STATE
MULTIPLE DWELLING LAW

prescribed by law, and any person who shall willfully destroy, damage, or jam or otherwise interfere with the proper operation of, or remove, without justification, such equipment or any part thereof shall be guilty of a misdemeanor as provided in subdivision one of [section three hundred four](#) of the [multiple dwelling](#) law and shall be punishable as provided therein.

§50-c. Rights of tenants to operate and maintain a lobby attendant service.

1. Tenants of every [class A multiple dwelling](#) containing eight or more [apartments](#) shall be entitled to maintain and operate a lobby attendant service for such [multiple dwelling](#) at any time or times when an attendant hired or furnished by the [owner](#) thereof shall not be on duty. Such lobby attendants so maintained by such tenants shall be engaged solely for security purposes and shall perform no acts or duties other than those which shall be directly related to the safety and security of occupants and visitors to such building while in and about the public portions thereof and no [owner](#) shall unreasonably hinder, interfere with, obstruct or prohibit the maintenance and operation of such service, provided that each attendant so engaged by tenants shall at all times when on duty be stationed at and remain in the entrance halls or public lobbies of the building adjacent to the main entrance thereto, and provided further that no [owner](#) of such building shall be in any manner liable or responsible for any injury to any such attendant or for any damage or injury arising out of or resulting from any act or omission of any such attendant or for the payment of any wages or other compensation to such attendants. The lobby attendants furnished, operated or maintained by tenants pursuant to this section may consist of or include tenants or other occupants of the [multiple dwelling](#) and may include either volunteer or paid personnel or a combination thereof.
2. Any agent, [owner](#) or other person who shall unreasonably interfere, hinder, obstruct or prohibit the installation, maintenance and operation of any such lobby attendant or shall unreasonably hinder or interfere with the performance of the duties of such lobby attendant engaged pursuant to this section, shall be guilty of a violation with a maximum fine not to exceed fifty dollars.

§51. [Shafts](#), elevators and dumbwaiters.

1. Every [shaft](#) constructed after April eighteenth, nineteen hundred twenty-nine, in any [multiple dwelling](#) shall be enclosed on all sides with [fireproof](#) walls and shall have [fireproof](#) doors and assemblies at all openings, with the doors self-closing. Dumbwaiter [shafts](#), except those adjoining [public halls](#), may be constructed with walls of gypsum plaster blocks approved by the [department](#), at least two inches thick if solid and at least three inches thick if hollow.
2. All dumbwaiter doors constructed after such date shall be fastened by an interior lock in the [shaft](#) operated and controlled from a central point in the [cellar](#) or lowest [story](#) if there be no [cellar](#).
3. The doors of every elevator [shaft](#) constructed after such date shall be provided with an automatic device approved by the [department](#) to prevent the normal operation of the elevator unless the hoistway door at which the car is standing is closed and locked, or unless all hoistway doors are locked in a closed position. Such doors may have a vision panel of wire glass not exceeding one square foot in area.

NEW YORK STATE
MULTIPLE DWELLING LAW

4. Every elevator installed after such date shall be equipped with a gate with an automatic device approved by the [department](#) to prevent the normal operation of such elevator unless such gate is closed.
5. When any elevator or dumbwaiter constructed after such date opens into more than one [stair](#), elevator vestibule or other [public hall](#) on any floor, such elevator or dumbwaiter shall be placed in a separate [shaft](#). Not more than three elevators or two dumbwaiters shall ever be placed in the same [shaft](#).
6. Every [dwelling](#) erected after such date which exceeds six stories or sixty feet in [height](#) shall be equipped with one or more passenger elevators, operative at all times, at least one of which shall be accessible to every [apartment](#) above the entrance [story](#).
7. In every [multiple dwelling](#), elevator [shafts](#), not previously enclosed to the satisfaction of the [department](#), shall be enclosed with [fireproof](#) walls and shall have [fireproof](#) doors and assemblies, with the doors self-closing.

§51-a. Peepholes.

In every [multiple dwelling](#) the [owner](#) shall provide and maintain a peephole in the entrance door of each housing unit. Such peephole shall be located, as prescribed by the [department](#), but shall be so located as to enable a person in such housing unit to view from the inside of the entrance door any person immediately outside of the entrance door to such housing unit. The provisions of this section shall not apply to [hotels](#) or apartment hotels or to college or school dormitories.

§51-b. Mirrors in connection with self-service elevators.

In all [multiple dwellings](#) in which there are one or more self-service passenger elevators, there shall, pursuant to such regulations as the [department](#) shall prescribe, be affixed and maintained in each such elevator a mirror which will enable persons prior to entering into such elevator to view the inside thereof to determine whether any person is in such elevator.

§51-c. Rights of tenants to install and maintain locks in certain entrance doors.

Every tenant of a [multiple dwelling](#), except a tenant of a [multiple dwelling](#) under the supervision and control of a municipal housing authority, [occupied](#) by him, except as a [hotel](#) or motel, or college or school [dormitory](#), shall have the right to install and maintain or cause to be installed and maintained in the entrance door of his particular housing unit in such [multiple dwelling](#), a lock, separate and apart from any lock installed and maintained by the [owner](#) of such [multiple dwelling](#), not more than three inches in circumference, as an ordinary incident to his tenancy, provided that a duplicate key to such lock shall be supplied to the landlord or his agent upon his request; and every provision of any lease hereafter made or entered into which reserves or provides for the payment by such tenant of any additional rent, bonus, fee or other charge or any other thing of value for the right or privilege of installing and/or maintaining any such lock, shall be deemed to be void as against public policy and wholly unenforceable.

§52. [Stairs](#).

1. In every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, every interior [stair](#), [fire-stair](#) and [fire-tower](#) and every exterior [stair](#) in connection with any [dwelling](#) altered or erected after January first, nineteen hundred fifty-one, shall be provided with proper balustrades or railings and all such interior and exterior [stairs](#) shall be kept in

NEW YORK STATE
MULTIPLE DWELLING LAW

good repair and free from any encumbrance. Every such [stair](#), [fire-stair](#) and [fire-tower](#) more than three feet eight inches wide shall be provided with a handrail on each side.

2. The upper surface of every balustrade or railing placed in any [stair](#) after April eighteenth, nineteen hundred twenty-nine, shall be at least two feet six inches and at most two feet eight inches above the [front](#) edge of the [stair](#) treads, and at any [stair](#) landing shall be at least two feet eight inches and at most three feet above the level of such landing.
3. The treads and risers of every [stair](#), [fire-stair](#) and [fire-tower](#) constructed after April eighteenth, nineteen hundred twenty-nine, in any [multiple dwelling](#) shall be of uniform [height](#) and width in any one flight. Each tread, exclusive of nosing, shall be not less than nine and one-half inches wide; each riser shall not exceed seven and three-quarters inches in [height](#); and the product of the number of inches in the width of the tread and the number of inches in the [height](#) of the riser shall be at least seventy and at most seventy-five.
4. No winding [stairs](#) shall be constructed in any [multiple dwelling](#).
5.
 - a. Except as otherwise provided in paragraph b of this subdivision, every [stair](#) constructed after April eighteenth, nineteen hundred twenty-nine, leading to a [cellar](#) or [basement](#) from the first [story](#) above shall be entirely enclosed with [fireproof](#) walls and be provided with [fireproof](#) doors and assemblies at both top and bottom, with the doors self-closing; except that, in a [non-fireproof multiple dwelling](#) erected before such date, where such a [stair](#) is permitted such enclosing walls may be [fire-retarded](#).
 - b. When the first floor or a part thereof, in a [fireproof multiple dwelling](#), is used for business purposes, a [stair](#) leading to a [cellar](#) or [basement](#) from such business space shall be enclosed in [fireproof](#) walls having a fire-resistive rating of at least three hours and be provided with a [fireproof](#) door and assembly at the bottom, with the door self-closing. No opening shall be permitted between such business space and the remainder of the [dwelling](#).
6. The [department](#) shall have the power to make supplementary regulations relating to [fire-towers](#).
7. In every [multiple dwelling](#) erected under plans filed with the [department](#) after January first, nineteen hundred sixty, on every [story](#) above the entrance [story](#) every door opening into such [stair](#) shall be so hung and arranged that in opening and when opened it shall at no point reduce the clear and unobstructed required width of the [stair](#) or [stair](#) landing.
8. The provisions of this section shall not apply to a [stair](#) within an [apartment](#) provided that each level of the [apartment](#) is provided with required means of egress complying with the provisions of this article.

§53. Fire-escapes.

Every [fire-escape](#) erected after April eighteenth, nineteen hundred twenty-nine, shall be located, arranged, constructed and maintained in accordance with the following provisions:

1. Access to a [fire-escape](#) shall be from a [living room](#) or private hall in each [apartment](#) or suite of rooms at each [story](#) above the entrance [story](#), and such access shall not include any window of a stairhall.
 - a. Such room or private hall shall be an integral part of such [apartment](#) or suite of rooms and accessible to every room thereof without passing through a [public hall](#).
 - b. When one or more [living rooms](#) of any [apartment](#) are rented to boarders or lodgers, every such room shall be directly accessible to a [fire-escape](#) without passing through a public

NEW YORK STATE
MULTIPLE DWELLING LAW

- hall, and for separately [occupied living rooms](#) access to [fire-escapes](#) shall be direct from such rooms without passing through a [public hall](#) or any other separately [occupied](#) room, except as may be permitted for dormitories in [section sixty-six](#).
- c. Access to any [fire-escape](#) shall not be obstructed by sinks or kitchen fixtures or in any other way. Iron bars, grilles, gates, or other obstructing devices on any window giving access to [fire-escapes](#) or to a required secondary means of egress shall be unlawful unless such devices are of a type approved by the board of appeals and are installed and maintained as prescribed by the board; provided, however, that in a city having a population of one million or more, such devices shall be of a type approved, installed and maintained as prescribed by the fire commissioner, or as previously approved and prescribed by the board of standards and appeals of such city, except as otherwise provided by said commissioner.
 - d. Every such [fire-escape](#) shall be accessible to one or more exterior doors or windows opening from the room, [apartment](#), suite of rooms or other space which it serves as means of egress, and such window or door shall be two feet or more in clear width and two feet six inches or more in clear [height](#). The sill of any such window shall be within three feet of the floor.
2. A required [fire-escape](#) may be erected in any of the following places:
 - a. On a wall facing a street or yard;
 - b. In a court of a [non-fireproof multiple dwelling](#) to serve an [apartment](#) or suite of rooms which does not contain any room fronting upon a street or yard, or in any inner court thirty-five feet or more in its least horizontal dimension, provided the [fire-escape](#) does not project more than four feet from the wall of the [dwelling](#) and is directly connected at the bottom of such court with a [fireproof](#) passageway at least three feet wide and seven feet high leading directly to a street unless the court itself leads to a street;
 - c. In any outer court eighteen feet or more in width and thirty feet or less in length;
 - d. In any outer court more than eighteen feet in width the length of which does not exceed its width by more than seventy per centum;
 - e. In any outer court ten feet or more in width at every point and situated on a [lot](#) line;
 - f. In any outer court seven feet or more in width at every point which is situated on a [lot](#) line and extends from a street to a yard;
 - g. In a recess on the [front](#) wall of a [multiple dwelling](#), provided the recess does not exceed five feet in [depth](#), is used solely for [fire-escape](#) purposes and has seventy-five per centum or more of its area open to the street, and is otherwise unenclosed and open at the top. No such recess shall be counted as a part of the unoccupied area of the [premises](#) or be construed as a court unless its entire area is open to the street.
 3. No [fire-escape](#) may project more than four and one-half feet into a public highway from the [lot](#) line of the [multiple dwelling](#) it serves. Every part of such [fire-escape](#) shall be at least ten feet above any sidewalk directly below.
 4.
 - a. Every [fire-escape](#) shall be constructed of open balconies and stairways of iron or stone capable of sustaining a load of at least eighty pounds per square foot. The use or reuse of old materials or cast iron in the construction of [fire-escapes](#) shall be unlawful.
 - b. Balconies for [fire-escapes](#) shall be three feet or more in clear width except that a party-wall balcony as permitted by paragraph f of subdivision one of [section one hundred eighty-seven](#) may be two feet in clear width.

NEW YORK STATE
MULTIPLE DWELLING LAW

- c. Every stairway shall be placed at an angle of sixty degrees or less with flat open steps at least six inches in width and twenty inches in length and with a maximum rise of nine inches. The opening in any balcony for such a stairway shall be at least twenty-one by twenty-eight inches.
5.
 - a. There shall be provided from the lowest balcony a drop ladder fifteen inches in width and of sufficient length to reach to a safe landing place beneath. Such ladder shall be constructed, located and arranged so as to be held in proper position at all times and, unless properly counter-balanced, shall be placed in guides so that it can be easily lowered.
 - b. The distance from the lowest balcony to the ground or safe landing place beneath shall be not more than sixteen feet, except that the [department](#) may permit such lowest balcony to be up to eighteen feet above a public sidewalk because of structural conditions in any [multiple dwelling](#) erected before April eighteenth, nineteen hundred twenty-nine.
 - c. No drop ladder shall be required where the distance from the lowest balcony to a safe landing place beneath is five feet or less.
6. The balcony on the top [story](#) shall be provided with a stairway or a gooseneck ladder from such balcony to and above the roof and securely fastened thereto, except that no such stairway or ladder shall be required:
 - a. On [multiple dwellings](#) two stories or less in [height](#) erected after April eighteenth, nineteen hundred twenty-nine; or
 - b. Wherever there is a peak roof with a pitch in excess of twenty degrees;
 - c. When the [fire-escape](#) is on the [front](#) of the [dwelling](#), in a recess on the [front](#) of the [dwelling](#), or on an outer court opening to a street.
7. Every [fire-escape](#) if constructed of material subject to rusting shall be painted with two or more coats of good paint in contrasting colors; in the case of a new [fire-escape](#) the first coat before erection, and the second coat after erection. Whenever a [fire-escape](#) becomes rusty, the [owner](#) shall repaint it with two additional coats of good paint.
8.
 - a. Whenever a [non-fireproof multiple dwelling](#) is not provided with sufficient means of egress in case of fire, the [department](#) may order such additional [fire-escapes](#) or balconies as in its judgment may be deemed necessary.
 - b. The [owner](#) of a [multiple dwelling](#) shall keep and maintain every [fire-escape](#) thereon in good order and repair.
 - c. No person shall at any time place any encumbrance of any kind before or upon any fire-escape, or place or keep a cover of any kind over the stairway opening in a balcony of such [fire-escape](#). An occupant or tenant of a [multiple dwelling](#) who shall violate or assist in the violation of the provisions of this paragraph shall be guilty of a misdemeanor punishable as provided in [section three hundred four](#).
9. No [fire-escape](#) shall be removed from or constructed on any existing [multiple dwelling](#) without permission from the [department](#). No [fire-escape](#) shall be removed from any [apartment](#) without due precaution against leaving occupants of such [apartment](#) without adequate means of egress in case of fire. A wire, chain cable, vertical ladder or rope fire-escape is an unlawful means of egress. Every such [fire-escape](#), if required as a means of egress, shall be removed and replaced by a system of [fire-escapes](#) constructed and arranged as provided in this section.

NEW YORK STATE
MULTIPLE DWELLING LAW

10. The [department](#) shall have the power to make supplementary regulations relating to fire-escapes.

§54. Cellar entrance.

There shall be a direct entrance to the [cellar](#), or to the lowest [story](#) if there be no [cellar](#), from the outside of every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, except that in [non-fireproof multiple dwellings](#) erected after such date which are three stories or less in [height](#) and [occupied](#) by not more than two [families](#) on any [story](#), any [stair](#) leading to such [cellar](#) or lowest [story](#) may be located inside the [dwelling](#) provided it is enclosed in [fireproof](#) walls and [fireproof](#) doors and assemblies with the doors self-closing, at both the level of such [cellar](#) or lowest [story](#) and that of the [story](#) above. No such outside entrance existing in any [multiple dwelling](#) on April eighteenth, nineteen hundred twenty-nine, shall be obstructed.

§55. Wainscoting.

1. Whenever the surface of walls, partitions or ceilings in any [apartment](#) or suite of rooms of any [non-fireproof multiple dwelling](#) is covered, sheathed or wainscoted wholly or in part after April eighteenth, nineteen hundred twenty-nine, such covering shall be backed solidly with plaster. In [fireproof multiple dwellings](#) such covering shall be backed solidly and continuously or filled with incombustible material. In the case of walls and partitions in [fireproof dwellings](#), such backing and filling shall extend to the [fireproof](#) floor construction and in [non-fireproof dwellings](#) to the floor beams. All such backing and filling shall be fire-stopped.
2. No wood wainscoting other than fireproofed wood complying with the provisions of [section fifty-eight](#) shall be erected in any [public hall](#), [stair](#) or [shaft](#) of any [multiple dwelling](#).

§56. Frame buildings and extensions.

1. Except as provided in [section one hundred ninety-three](#) and subdivision seven of this section, no frame [multiple dwelling](#) shall be erected and no [frame dwelling](#) not used as a [multiple dwelling](#) on April eighteenth, nineteen hundred twenty-nine, shall be altered or converted to such use or occupancy.
2. No existing frame [multiple dwelling](#) shall be increased in [height](#) nor shall it be altered to permit a greater occupancy on any [story](#) than provided for on April eighteenth, nineteen hundred twenty-nine; except that, if the walls of such a [frame dwelling](#) are faced with brick veneer or with another material or combination of materials having a fire resistive rating of at least one hour, and the entrance [story](#) thereof is [occupied](#) by not more than one [family](#), such entrance [story](#) may be altered so that it may be [occupied](#) by not more than two [families](#).
3. No frame building of any kind whatsoever shall be placed or built upon the same [lot](#) with any [multiple dwelling](#).
4. No [multiple dwelling](#) shall be placed or built upon the same [lot](#) with any frame building.
5. No frame [multiple dwelling](#), no wooden [structure](#) of any kind or class on the same [lot](#) with any [frame dwelling](#) or with any [multiple dwelling](#), and no other building on the same [lot](#) with any [frame dwelling](#), shall be altered or converted so as to be enlarged, extended or increased in [height](#) or bulk or in the number of rooms, [apartments](#) or [dwelling](#) units therein; except that:
 - a. An extension seventy square feet or less in ground area the side walls of which are of frame and brick filled or of masonry construction may be added to any existing frame [multiple dwelling](#) if used solely for bathrooms or waterclosets; and

NEW YORK STATE
MULTIPLE DWELLING LAW

- b. An extension constructed with [fireproof](#) walls may be made to a frame building if the first [story](#) of such extension is used solely for business not prohibited by any local law or ordinance, or if such extension contains not more than one [living room](#) on any [story](#). No yard or court shall be diminished by such extension so that its area or least dimension is less than required by this chapter for a yard or court of a [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine.
6. None of the provisions of this section shall apply to [dwellings](#) erected under the provisions of [article five-a](#) of this chapter.
7. In any city the [department](#) may approve for any such [dwelling](#) three stories or less in [height](#), the [alteration](#) and conversion of that portion of said [dwelling](#) used as a store or other non-residential use to no more than one additional [dwelling](#) unit; provided, however, that:
 - (a) such space has been vacant for at least one year, and
 - (b) such space has a minimum of three hundred square feet of floor area, and
 - (c) the conversion must be for a class "A" use, and
 - (d) said unit shall contain a cooking space and a complete bathroom, and
 - (e) all walls and ceilings of the new [dwelling](#) unit shall be [fire-retarded](#) with one hour rated fire-retarding materials, and
 - (f) the [height](#) and bulk of the [dwelling](#) shall not be increased, and
 - (g) the [dwelling](#) will be in full compliance with this chapter and other related and local ordinances, except that the [owner](#) of said [dwelling](#) shall be entitled to consideration for variances permitted in subdivision one and subparagraph five of paragraph a of subdivision two of [section three hundred ten](#) of this chapter for [multiple dwellings](#) and buildings existing prior to November first, nineteen hundred forty-nine.

§57. Bells; mail receptacles.

1. Whenever bells are installed at the entrance to any [multiple dwelling](#) or at any door of an individual [apartment](#) in a [multiple dwelling](#), they shall be kept in good working order.
2. Whenever the [owner](#) of a [multiple dwelling](#) has not arranged for mail to be delivered to occupants thereof by himself, his agent or employees, arrangements shall be made for the delivery of such mail in conformity with regulations of the post office department.

§58. Incombustible materials.

Except as may be specifically provided otherwise in this chapter, all required incombustible materials, including fireproofed wood, shall be capable of withstanding successfully standard fire tests as prescribed by the building code. In the absence of any such prescribed requirements, the [department](#) shall have the power to make supplementary regulations relative to standard fire tests for incombustible materials.

§59. Bakeries and fat boiling.

1. It shall be unlawful to construct or maintain a bakery or a place of business where fat is boiled in any [non-fireproof multiple dwelling](#) or upon the [lot](#) on which such [dwelling](#) is situated, unless the ceiling, side walls and all exposed iron or wooden beams, girders and columns within the said bakery or business place where fat is boiled, are covered with [fireproof](#) materials.
2. There shall be no door, window, dumbwaiter [shaft](#) or other opening between such a bakery or business place where fat is boiled and any other part of the [dwelling](#), except that:

NEW YORK STATE
MULTIPLE DWELLING LAW

- a. There may be access to the [public parts](#) of the [dwelling](#) from any bakery maintained therein if the product of such bakery is consumed exclusively within such [dwelling](#).
 - b. In a [fireproof hotel](#) where a retail bakery is maintained therein, there may be access to the [public parts](#) of the [hotel](#), provided the door openings leading thereto from such bakery and the door assemblies are [fireproof](#) with the doors self-closing, and provided the [public parts](#) of such bakery [premises](#) are protected by one or more sprinkler heads.
 - c. In bakeries in which no fat is boiled and on the [premises](#) of which there is no apparatus for fat boiling, a dumbwaiter communicating between the place where the baking is done and a bakery store above may be maintained if entirely enclosed in a brick [shaft](#) with walls eight inches or more in thickness, without any openings whatever except one door opening into the bakeshop and one into the bakery store. Every such opening shall be provided with a [fireproof](#) door and assembly so arranged that when one door is open, the other is entirely closed.
3. Every part of a bakery, its plumbing, and the yards and open spaces adjoining shall be kept in good repair, in sanitary condition and free from rodents and vermin.

§60. Motor vehicle storage.

A space may be provided and maintained in any [multiple dwelling](#) or upon the [premises](#) thereof, or a [structure](#) may be erected and maintained at the [rear](#) or side thereof, for the storage of passenger motor vehicles but only with a written permit therefor when required by local law and in accordance with every applicable local law, ordinance, resolution, code provision or regulation and with the following provisions:

1.
 - a. It shall be unlawful to sell, store, handle or furnish gasoline, oil or other fuel, or any article, accessory or service except storage, or to construct or maintain repair or grease pits in any such space or [structure](#). The provisions of this section shall not prevent the keeping of such gasoline, oil or other fuel as may be contained in the tank of any such motor vehicle, and the cleaning or washing of such motor vehicles.
 - b. Such space or [structure](#) shall be used solely for the storage of passenger motor vehicles of the occupants of the [multiple dwelling](#) or of [multiple dwellings](#) under common ownership, except that, in the event such space or [structure](#) or part thereof is not used by such occupants, it may be rented by the [owner](#) or [owners](#) of such [dwelling](#) or [dwellings](#) to persons other than the occupants thereof. The space which has thus been rented shall be made available to an occupant within thirty days after written request therefor. Except as otherwise provided in paragraph d herein transient parking for any period of less than one month by non-occupants is unlawful. However, such space may be used also for the storage of any type of mechanical or motor-driven equipment or other accessory device or passenger bus required for the proper maintenance of the site and of the [dwellings](#) thereon.
 - c. If any of the provisions contained in paragraphs a and b of this subdivision is violated, the [department](#) charged with the enforcement of this chapter or the fire department shall order and direct that no motor vehicle may be stored or kept in such space or [structure](#) thereafter for such period as either [department](#) shall determine, and thereupon the permit shall be suspended and no motor vehicle shall be stored or kept in such space or [structure](#) for such period.
 - d. A city may, by local law or ordinance, or the duly constituted planning or appeal board or commission of a city may by granting an approval, exception or variance, authorize

NEW YORK STATE
MULTIPLE DWELLING LAW

transient parking for any period of less than one month of motor vehicles in [dwellings](#) by non-occupants in any space that is not let to an occupant pursuant to the other provisions of this section. Such city may require a license and impose a fee therefor, and adopt supplementary rules, regulations and conditions under which such parking shall be permitted.

2.

- a. Every such space or [structure](#) shall be designed and constructed to accommodate not more than two passenger motor vehicles for each [family](#) in such [multiple dwelling](#).
- b. Such space or [structure](#) shall have a floor area within its enclosing walls not greater than three hundred square feet per vehicle for each such [family](#), including car parking spaces and aisles.
- c. Every such storage space or [structure](#) shall be [fireproof](#) throughout, except that any extension of such storage space or [structure](#) beyond the exterior walls of a [fireproof dwelling](#) not exceeding one [story](#) in [height](#) and any separate [structure](#) on the same [lot](#) as a [fireproof dwelling](#) may be of incombustible material with a fire-resistive rating of at least two hours, if such extension or separate [structure](#) complies with the provisions of paragraph e of this subdivision.
- d. When constructed within a [multiple dwelling](#) such storage space shall be equipped with a sprinkler system and also with a system of mechanical ventilation in no way connected with any other ventilating system. Such storage space shall have no opening into any other part of the [dwelling](#) except through a [fireproof](#) vestibule. Any such vestibule shall have a minimum superficial floor area of fifty square feet and its maximum area shall not exceed seventy-five square feet. It shall be enclosed with incombustible partitions having a fire-resistive rating of three hours. The floor and ceiling of such vestibule shall also be of incombustible material having a fire-resistive rating of at least three hours. There shall be two doors to provide access from the [dwelling](#) to the car storage space. Each such door shall have a fire-resistive rating of one and one-half hours and shall be provided with a device to prevent the opening of one door until the other door is entirely closed. One of these doors shall swing into the vestibule from the [dwelling](#) and the other shall swing from the vestibule into the car storage space. The door from the vestibule to the [dwelling](#) shall be at least twenty feet distant in a [non-fireproof dwelling](#) or twelve feet in a [fireproof dwelling](#) from any [stair](#) enclosure, elevator [shaft](#), or any opening to any other vertical [shaft](#). Such vestibule shall also be equipped with sprinklers and with an exhaust duct having a minimum cross-sectional area of one hundred forty-four square inches and shall not be connected with any other ventilating system.
- e. Such storage space may be extended beyond the exterior walls of a [fireproof dwelling](#) without any separating walls between its interior and exterior portion provided that such extension is roofed over and equipped with sprinklers throughout. Such extension shall be open to the outer air on at least two sides and in no event shall more than fifty percent of its vertical surface area be enclosed in any manner. Any such extension shall not be deemed to be a storage space within a [multiple dwelling](#). Any enclosed sub-surface space beneath such an extension shall however, comply with all the provisions of this section applicable to storage space within a [multiple dwelling](#). Any portion of such extension of storage space or of a separate [structure](#) for such storage purposes appurtenant to a [multiple dwelling](#) which face any [dwelling](#) within a distance of twenty feet therefrom or which is within thirty feet of any [living room](#) window of any [dwelling](#) shall be unperced

NEW YORK STATE
MULTIPLE DWELLING LAW

- except for door openings for vehicles. A separate [structure](#) for such storage purposes appurtenant to a [multiple dwelling](#) may adjoin such [dwelling](#) provided that the part of the wall separating such space from the [dwelling](#) is [fireproof](#) and unpierced, except by a [fireproof](#) vestibule as provided in subdivision d. Such extension or separate [structure](#) shall be adequately screened at grade level. That part of the roof of an extension within thirty feet of any [living room](#) window of any [dwelling](#) shall not be used for parking or storage of motor vehicles or the ingress thereto or egress therefrom by motor vehicles.
- f. Any such [structure](#) one [story](#) in [height](#) or any extension of a storage space within a [multiple dwelling](#) beyond the exterior wall of such [dwelling](#) where such extension is one [story](#) in [height](#), shall not be deemed an encroachment upon a yard or its equivalent or a court. Any such [structure](#) or extension in excess of such [height](#) shall be deemed an encroachment thereupon.
 - g. In a completely enclosed storage [structure](#) or a storage space within a [multiple dwelling](#) except for vehicle entrance doors, all doors, windows and their assemblies in the exterior walls of any such space or [structure](#) accommodating more than five motor vehicles shall be [fireproof](#) and such windows shall be either fixed windows or automatic fire windows and glazed with wire glass. Any door or vehicle entrance to such space or [structure](#) accommodating more than five motor vehicles shall be at least twenty feet distant from any door giving access to any required entrance hall from outside of the [dwelling](#) and shall be at least eight feet distant from any other entrance or exit of such [dwelling](#). However, in such space the windows in an exterior wall which faces the street may be of incombustible material and be glazed with plain glass, provided that such windows are thirty feet or more, measured in a horizontal direction, from any opening in the exterior wall of the [dwelling](#).
 - h. Notwithstanding any other provision of this section when such storage space or [structure](#) is designed and constructed within or appurtenant to a [converted dwelling](#) to accommodate not more than three motor vehicles,
 - (1) the ceiling and the enclosing walls may be of materials having a fire-resistive rating of not less than one hour and the floors shall be [fireproof](#);
 - (2) only one opening shall be permitted in the enclosure partition between the garage and the [dwelling](#) and such opening shall be protected by a [fireproof](#) door and assembly with the door self-closing;
 - (3) a sprinkler system for such space shall not be required; and
 - (4) in lieu of mechanical ventilation, such space may have fixed ventilation of not less than one hundred and forty-four square inches for each motor vehicle.
3. The agency of a city authorized by law to make rules supplemental to laws regulating construction, maintenance, use and area of buildings and to grant variances of the zoning resolution shall have the power to make rules to supplement the requirements of this section and, after public hearing, may grant variances of local laws, resolutions, code provisions or regulations which are more restrictive than the provisions of this section, subject to such conditions as, in the opinion of such agency, will best promote health, safety and welfare and carry out the permissive intent of this section. All [owners](#) of property within a radius of one hundred fifty feet of the entrance or entrance passage to such space or [structure](#) shall be duly notified of any such public hearing and shall be given due opportunity to be heard thereon. Nothing in this section shall be deemed to prohibit the use of a part of such [lot](#) or plot as a parking area for the exclusive use of the occupants of such [dwelling](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

4. No parking area or space to be used for the storage of motor vehicles upon the [premises](#) of a [multiple dwelling](#) shall encroach upon any part of the [lot](#) or plot which is required by any provision of this chapter to be left open and unoccupied.
5. None of the provisions of this section shall be construed as permitting such space or [structure](#) or part thereof to be rented or leased for the storage or warehousing of passenger or commercial type of motor vehicles, which are part of stock of any person, firm or corporation engaged in the purchase, sale or rental of such motor vehicles.

§61. Business uses.

1. Except as may be otherwise provided by any local law, ordinance, rule or regulation, business may be conducted in any [multiple dwelling](#) including:
 - a. Baking and fat-boiling as provided in [section fifty-nine](#),
 - b. Storage of passenger motor vehicles as provided in [section sixty](#), and
 - c. Any manufacturing business in which seven or more persons are employed, or any employment agency as defined in section one hundred seventy-one of the general business law other than a non-profit employment agency in a [fireproof class B multiple dwelling](#) owned and [occupied](#) by a non-profit corporation organized for and engaged exclusively in promoting religious, education or philanthropic purposes, provided that every means of egress from such a business space shall be separate and distinct from and without means of communication with any means of egress from the [dwelling](#) portion of the building.
2. The number of means of egress from the portion of any [multiple dwelling](#) where business is conducted shall be in conformity with those provisions of the local laws, ordinances, rules and regulations covering means of egress from buildings in which a like business is conducted.
3. There shall be no manufacturing business conducted above the second floor of any non-fireproof [multiple dwelling](#).
4. Where business is conducted in any [multiple dwelling](#) erected before April eighteenth, nineteen hundred twenty-nine, such business space shall also comply with all the following requirements in a manner which the [department](#) shall deem adequate to prevent the spread of fire:
 - a. Within or appurtenant to such space, all pipe chases and openings around flues shall be fire-stopped, and such flues shall be kept in good order and repair.
 - b. All other openings from such space into non-fireproof [shafts](#) or into entrance halls shall either be sealed with [fire-retarded](#) material or equipped with a self-closing [fire-retarded](#) door or window with [fire-retarded](#) assemblies.
5. Where business is conducted in any [non-fireproof multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, the walls and ceiling of such business space shall be [fire-retarded](#). The [department](#) may also require the walls and ceilings of any business space in any [multiple dwelling](#) erected before such date to be [fire-retarded](#) when the [department](#) shall deem such requirement necessary for the protection of the occupants.
6. If the ground [story](#) of any [non-fireproof multiple dwelling](#) is extended for business purposes, the underside of the roof of such extension shall be [fire-retarded](#). If there are [fire-escapes](#) above such extension, its roof shall be [fireproof](#).

§62. Parapets, guard railings and wires.

NEW YORK STATE
MULTIPLE DWELLING LAW

1. Every open area of a roof, terrace, areaway, outside [stair](#), [stair](#) landing, retaining wall or porch and every [stair](#) window of a [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, shall be protected in a manner approved by the [department](#) by a parapet wall or a guard railing three feet six inches or more in [height](#) above the level of such area, or, in the case of a [stair](#) window, above the level of the floor adjacent thereto, unless the [department](#) shall deem that such protection is not necessary for safety. In any [multiple dwelling](#) where a bulkhead door or scuttle cover opens within four feet of the edge of the roof, that part of the roof which is immediately adjacent to such door or cover shall be adequately protected. Such protection shall consist of guard rails or parapet walls extending at least three feet six inches above the level of the roof, and shall be arranged and placed in a manner approved by the [department](#), but shall not be required for such bulkhead door or scuttle cover when the bulkhead or scuttle on such [dwelling](#) is immediately adjacent to, and also on the same level as or on a lower level than, the roof of a contiguous building. This subdivision shall not apply to the open area of a roof of a [garden-type maisonette dwelling](#) project.
2. All radio, antennae or other wires over any roof shall, unless otherwise permitted by the [department](#), be kept ten feet or more above such roof, and no radio, television antennae or other wires shall be attached to any [fire escape](#) or to any soil or vent line extending above the roof.

§63. Sub-curb uses.

1. When any [living room](#) is below the level of the highest curb in [front](#) of any [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, in accordance with the provisions of paragraph f of subdivision one of [section thirty-four](#), all portions of such [dwelling](#) below such level shall be [fireproof](#) throughout except that windows therein need not be [fireproof](#) but shall be of incombustible material and may be glazed with plain glass.
2. Except in [multiple dwellings](#) which do not exceed eighty feet in [height](#) measured from the lowest point of any curb on which any part of the [dwelling](#) faces, at least one means of egress from any [apartment](#) or suite of rooms below the level of the highest curb in [front](#) of such a [dwelling](#) shall lead directly to the street in [front](#) of said [dwelling](#) and at least one such means to the yard or street in the [rear](#) of said [dwelling](#). Every yard in the [rear](#) of every such [multiple dwelling](#), regardless of the [height](#) of such [dwelling](#), shall at the lowest level of such yard be provided with a fire passage in compliance with the requirements for such a passage in paragraph f of subdivision five of [section twenty-six](#).
3. Notwithstanding any other provisions of this section the [department](#) may require such additional means of egress from the said [dwelling](#) or protection from fire as the department may deem necessary for the safety of the occupants.

§64. Lighting; gas meters; gas and oil appliances.

1. Every [multiple dwelling](#) after July first, nineteen hundred fifty-five, shall be adequately equipped throughout all stories and [cellars](#) for lighting by gas or electricity, with proper fixtures at every light outlet, including lighting for all means of egress leading to the street, yards or courts, and for every room, water-closet compartment, bathroom, [stair](#) or [public hall](#).
2. No gas meter, other than a replacement meter, installed in a [multiple dwelling](#) after July first, nineteen hundred fifty-five, shall be located in any boiler room or other room or space containing a heating boiler, nor in any [stair](#) hall, nor in any [public hall](#) above the [cellar](#) or

NEW YORK STATE
MULTIPLE DWELLING LAW

above the lowest [story](#) if there is no [cellar](#), except that in any [multiple dwelling](#) where there is an existing gas meter located in any boiler room or other room or space containing a heating boiler, one additional gas meter may be installed in such room or space, provided such additional gas meter is installed adjacent to such existing gas meter and is used in conjunction with the supply of gas for a gas-fired heating boiler or a gas-fired water heater used as a central source of supply of heat or hot water for the tenants residing in such [multiple dwelling](#). Such additional gas meter may be installed only upon condition that space heaters or hot water appliances in the [apartments](#) are eliminated. For the purposes of this subdivision, the term "gas meter" shall not include any instrument, device or apparatus used to measure the consumption of gas where no gas, manufactured, natural or mixed, is contained in or flows through such instrument, device or apparatus, provided that such instrument, device or apparatus is approved by and installed under the supervision of the city agency vested by law with jurisdiction to inspect and test wiring and appliances for electric light, heat and power and provided further that the location of such instrument, device or apparatus is approved by the [department](#).

3. It shall be unlawful to place, use, or to maintain in a condition intended, arranged or designed for use, any gas-fired cooking appliance, laundry stove, heating stove, range or water heater or combination of such appliances in any room or space used for living or sleeping in any new or existing [multiple dwelling](#) unless such room or space has a window opening to the outer air or such gas appliance is vented to the outer air. All automatically operated gas appliances shall be equipped with a device which shall shut off automatically the gas supply to the main burners when the pilot light in such appliance is extinguished. A gas range or the cooking portion of a gas appliance incorporating a room heater shall not be deemed an automatically operated gas appliance. However, burners in gas ovens and broilers which can be turned on and off or ignited by non-manual means shall be equipped with a device which shall shut off automatically the gas supply to those burners when the operation of such non-manual means fails. All gas appliances shall be connected directly to the gas supply by means of rigid piping or other approved connectors or connections of incombustible materials. All such automatically operated gas appliances and devices shall be approved by the local agency empowered to grant the same.
4. It shall be unlawful to use, or to maintain in a condition intended, arranged or designed for use, in any [multiple dwelling](#) any oil-burning equipment for heating or cooking, unless such equipment has been approved for design, manufacture and appropriate safety and ventilating requirements by the local board of standards and appeals; provided, however, that in a city having a population of one million or more, approval of such equipment for use in any [multiple dwelling](#) shall be made by the commissioner of buildings or the fire commissioner, as appropriate, in accordance with local law.
5. All appliances in use after June thirtieth, nineteen hundred fifty-five, shall conform to the provisions of subdivisions three and four of this section except that appliances now in use shall conform to such provisions not later than June thirtieth, nineteen hundred fifty-six.

§65. Boiler rooms.

1. Except as hereafter provided, in every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, which is four stories or more in [height](#) the boiler shall be enclosed in a room or space constructed with [fireproof](#) walls extending from the floor construction to the ceiling construction, and all openings therefrom to other portions of the

NEW YORK STATE
MULTIPLE DWELLING LAW

[dwelling](#) shall be equipped with [fireproof](#) doors and assemblies with the doors self-closing. However, in all [multiple dwellings](#), on and after January first, nineteen hundred sixty-six, a room or space provided with a central heating plant shall be completely enclosed with incombustible materials having a standard fire-resistive rating of at least one hour.

2. In such a [dwelling](#) access to a [cellar](#) or lowest [story](#) in which a boiler is located shall not be through any boiler room, nor shall any [cellar](#) or [basement stair](#) or any [shaft](#) be installed within a boiler room.
3. The [department](#) shall have the power to make supplementary regulations relating to boiler or furnace rooms.

§66. [Lodging houses.](#)

1. It shall be unlawful to occupy any [lodging house](#) unless such [dwelling](#) conforms to the provisions of the specific sections enumerated in [section twenty-five](#) to the extent required therein, including the provisions of this section, and to all other applicable provisions of this chapter.
2.
 - a. No wood or other combustible facing shall be permitted on the walls, partitions or ceilings of entrance halls or other [public halls](#) or [stairs](#), except a flat baseboard ten inches or less in [height](#). The [stair](#) string, handrails, soffits, fascias, railings, balustrades and newel posts shall be constructed of hard incombustible material and shall be of such sizes and secured in such manner as approved by the [department](#).
 - b. The walls and ceilings of all entrance halls, [stair](#) halls and other [public halls](#) and [stairs](#) shall be [fire-retarded](#) on the hall or [stair](#) side with half-inch plaster board covered with twenty-six gauge metal or other materials approved by the [department](#).
 - c. Except partitions forming existing [cubicles](#), flat baseboards not more than ten inches high and door and window assemblies not otherwise required to be [fire-retarded](#), all wood partitions and all combustible coverings on walls or partitions throughout the portion of the [dwelling](#) used for lodging-house purposes shall be protected with incombustible material approved by the [department](#).
 - d. The [cellar](#) ceiling and the ceiling of every [story](#) shall be [fire-retarded](#). The [department](#) may accept an existing ceiling if it is in good condition and plastered, or covered with metal or with half-inch plaster board covered with metal, or other materials approved by the [department](#), except that the ceiling over and the floor beneath any furnace, stove, boiler or hot-water heater shall be [fire-retarded](#) and such fire-retarding shall extend for a distance of at least four feet beyond the sides and [rear](#) and eight feet in [front](#) of such furnace, stove or heater. Metal breechings and flues connected to such devices shall be made secure and be protected in conformity with regulations adopted by the [department](#).
 - e. Every window not opening to the outer air in an entrance, [stair](#) or other [public hall](#) shall be removed, and the opening closed and [fire-retarded](#), except that interior windows or similar openings in partitions forming the enclosure of entrance, [stair](#) or other [public halls](#) may be retained if they are used in the operation and maintenance of the [lodging house](#) and are protected by automatic fire windows.
 - f. There shall be one or more completely enclosed compartments remote from any stairway for the storage of mattresses, linens, brooms, mops and other paraphernalia incidental to the occupancy and maintenance of the [lodging house](#), and such paraphernalia shall be stored in no other portion of such [dwelling](#). The partitions forming each such

NEW YORK STATE
MULTIPLE DWELLING LAW

- constructed in accordance with the provisions of [section fifty-three](#) or by an additional enclosed [stair](#). Such second means of egress shall be accessible without passing through the first means of egress.
- b. All doors opening upon entrance halls, [stair](#) halls, other [public halls](#) or [stairs](#) or elevator, dumbwaiter or other [shafts](#), and the door assemblies, shall be [fireproof](#) with the doors made self-closing by a device approved by the [department](#), and such doors shall not be held open by any device whatever. All openings on the course of a [fire-escape](#) shall be provided with such doors and assemblies or with [fireproof](#) windows and assemblies, with the windows self-closing and glazed with wire glass, such doors or windows and their assemblies to be acceptable to the [department](#).
 - c. There shall be unobstructed aisles providing access to all required means of egress in all dormitories. Main aisles, approved as such by the [department](#) to provide adequate approaches to the required means of egress, shall be three feet or more in width, except that no aisle need be more than two feet six inches wide if it is intersected at intervals of not more than fifty feet by crossover aisles at least three feet wide leading to other aisles or to an approved means of egress.
 - d. Every required means of egress from the lodging-house part of the [dwelling](#) shall be indicated by a sign reading "EXIT" in red letters at least eight inches high on a white background illuminated at all times during the day and night by a light of at least twenty-five watts or equivalent illumination. Such light shall be maintained in a keyless socket. On all lodging-house stories where doors, openings, passageways or aisles are not visible from all portions of such stories, and in other parts of the [dwelling](#) which may be used in entering or leaving the lodging-house part and in which a similar need exists, signs with easily readable letters as least eight inches in [height](#), and continuously and sufficiently illuminated by artificial light at all times when the natural light is not sufficient to make them easily readable, shall be maintained in conspicuous locations, indicating the direction of travel to the nearest means of egress. At least one such sign shall be easily visible from the doorway of each [cubicle](#).
 - e. Access from the [public hall](#) at the top [story](#) to the roof shall be provided by means of a bulkhead or a scuttle acceptable to the [department](#). Every such scuttle and the [stair](#) or ladder leading thereto shall be located within the [stair](#) enclosure.
5. The number of persons accommodated on any [story](#) in a [lodging house](#) shall not be greater than the sum of the following components.
 - a. Twenty-two persons for each full multiple of twenty-two inches in the smallest clear width of each means of egress approved by the [department](#), other than a [fire-escape](#).
 - b. Twenty persons for each lawful [fire-escape](#) accessible from such [story](#) if it is above the entrance [story](#).
 6. Existing [cubicles](#) complying with all other provisions of this section may be maintained, provided the top of the enclosure of every [cubicle](#) is at least two feet from the ceiling. Any rearrangement of existing [cubicles](#) that may be made necessary by the provisions of this section shall be lawful. [Cubicles](#) authorized by this section shall not be considered rooms or alcoves but parts of the rooms in which they are constructed.
 7. The [department](#) shall cause all [lodging houses](#) to be inspected at intervals of three months or less. All [sections](#) and parts of every [lodging house](#) shall also be inspected by a clerk or watchman in the employ of the [owner](#) at least once in every two hours.
 - 8.

NEW YORK STATE
MULTIPLE DWELLING LAW

- a. The [department](#) shall have power to make supplementary regulations relating to fire-escapes, protection from fire, and the installation of sprinkler systems in [lodging houses](#) and the fire department shall have power to make such regulations relating to fire alarms therein.
- b. Nothing in this section shall be deemed to abrogate any powers or duties vested in the fire commissioner or the fire department of the city of New York by chapter nineteen of the administrative code of the said city.

§67. [Hotels](#) and certain other [class A](#) and [class B dwellings](#).

1. It shall be unlawful to occupy any [class A](#) or [class B multiple dwelling](#), including a [hotel](#), unless it conforms to the provisions of the specific sections enumerated in [section twenty-five](#) to the extent required therein, including the applicable provisions of this section and all other applicable provisions of this chapter except that the provisions of this section shall not apply to:
 - a. [Converted dwelling](#);
 - b. [Tenements](#);
 - c. [Lodging houses](#);
 - d. [class A multiple dwellings](#) erected under plans filed with the [department](#) after April eighteenth, nineteen hundred twenty-nine.
2. Any such [multiple dwelling](#), altered or erected after April fifth, nineteen hundred forty-four, and which is required to conform to the provisions of articles [one](#), [two](#), [three](#), [four](#), [five](#), [eight](#), [nine](#) and [eleven](#), shall not be required to conform to the provisions of subdivisions three, six, nine and ten of this section.
3. The walls and ceiling of every entrance hall, [stair](#) hall or other [public hall](#), every hall or passage not within an [apartment](#) or suite of rooms, every dumb-waiter, elevator, and, except as provided in paragraph d of subdivision six, every other [shaft](#), including [stairs](#), connecting more than two successive stories, shall be sealed off from every other portion of the [dwelling](#) with fire-retarding materials approved by the [department](#), or, in lieu thereof, except in the case of elevator [shafts](#), shall be equipped with one or more automatic sprinkler heads. Nothing contained herein shall be deemed to exempt from enclosure an interior required means of egress. The provisions of this subdivision and similar requirements of [section sixty-one](#) shall not apply to a store or space used for business on any [story](#) where there are no sleeping rooms, when such store or space is protected with sprinkler heads.
4. There shall be one or more completely enclosed compartments for the storage of mattresses, furniture, paints, floor wax, linens, brooms, mops and other such inflammable or combustible paraphernalia incidental to the occupancy and maintenance of the [dwelling](#), and such paraphernalia shall be stored in no other portion of such [dwelling](#). Such compartments shall be completely protected by one or more automatic sprinkler heads. Every door from any such compartment shall be self-closing. Closets which do not exceed one hundred square feet in floor area may be used for the temporary storage of such paraphernalia, except mattresses, furniture, paints and insecticides containing inflammable materials and are excluded from the requirements of this subdivision.
5. All kitchens and pantries serving restaurants in such [non-fireproof dwellings](#) shall be equipped with one or more automatic sprinkler heads.
6. Except in [fireproof class A multiple dwellings](#) erected under plans filed after January first, nineteen hundred twenty-five, and which were completed before December thirty-one,

NEW YORK STATE
MULTIPLE DWELLING LAW

nineteen hundred thirty-three, and except as otherwise provided in paragraph c of this subdivision, in every such [dwelling](#) three or more stories in [height](#) there shall be from each [story](#) at least two independent means of unobstructed egress located remote from each other and accessible to each room, [apartment](#) or suite.

- a. The first means of egress shall be an enclosed [stair](#) extending directly to a street, or to a yard, court or passageway affording continuous, safe and unobstructed access to a street, or by an enclosed [stair](#) leading to the entrance [story](#), which [story](#) shall have direct access to a street. That area of the [dwelling](#) immediately above the street level and commonly known as the main floor, where the occupants are registered and the usual business of the [dwelling](#) is conducted, shall be considered a part of the entrance [story](#); and a required [stair](#) terminating at such main floor or its mezzanine shall be deemed to terminate at the entrance [story](#). An elevator or an unenclosed escalator shall never be accepted as a required means of egress.
- b. The second means of egress shall be by an additional enclosed stair conforming to the provisions of paragraph a of this subdivision, a [fire-stair](#), a [fire-tower](#) or an outside fire-escape. In a [non-fireproof dwelling](#) when it is necessary to pass through a [stair](#) enclosure which may or may not be a required means of egress to reach a required means of egress, such [stair](#) enclosure and that part of the [public hall](#) or corridor leading thereto from a room, [apartment](#) or suite, shall be protected by one or more sprinkler heads; in a [fireproof dwelling](#) only that part of the hall or corridor leading to such [stair](#) enclosure need be so protected.
- c. Where it is impractical in such existing [dwellings](#) to provide a second means of egress, the [department](#) may order additional [alteration](#) to the first means of egress and to [shafts](#), [stairs](#) and other vertical openings as the [department](#) may deem necessary to safeguard the occupants of the [dwelling](#), may require the [public halls](#) providing access to the first means of egress to be equipped on each [story](#) with one or more automatic sprinkler heads, and, in [non-fireproof dwellings](#), may also require automatic sprinkler heads in the [stair](#) which serves as the only means of egress.
- d. Nothing in this section shall be deemed to require the enclosure of a [stair](#) which is ornamental provided such [stair](#) does not connect more than two stories.
- e. A [stair](#), [fire-stair](#), [fire-tower](#) or [fire-escape](#) which is supplementary to the egress requirements of paragraphs a, b and c of this subdivision need not lead to the entrance [story](#) or to a street, or to a yard or a court which leads to a street, provided the means of egress therefrom is approved by the [department](#).

7.

- a. All doors opening from [shafts](#), [stair](#) halls or [stairs](#) and the door assemblies shall be fire-resistive with the doors self-closing and without transoms or any other opening.
- b. All other doors opening upon entrance halls or other [public halls](#) or corridors in every part of the [dwelling](#) shall be self-closing. In [non-fireproof dwellings](#) any existing openings in such doors, except in doors to public toilet rooms or bathrooms, shall be closed and sealed in such manner as to provide a fire-resistive rating equal to the fire-resistive rating of the remainder of the door. Except as provided in this paragraph, any existing transoms over such doors in such [non-fireproof dwellings](#) shall be firmly secured in a closed position, or removed and the openings closed, in a manner satisfactory to the [department](#). If such doors or transoms are glazed with plain glass, such glass shall be removed and replaced with wire glass one-quarter of an inch in thickness or replaced with

NEW YORK STATE
MULTIPLE DWELLING LAW

material approved by the [department](#). In [non-fireproof dwellings](#) existing transoms or ventilating louvres in [public halls](#) or corridors, and any openings in partitions separating sleeping rooms from [public halls](#) or corridors to provide ventilation, need not be replaced, closed or sealed provided such [public halls](#) or corridors are protected by automatic sprinkler heads. When existing ventilating louvres are located in the lower half of any such door they may be retained and new ventilating louvres may be installed in the lower half of any new or existing doors provided the openable area of every such louvre does not exceed one hundred forty-four square inches and the bottom of the opening is one foot or more above the finished floor of the [public hall](#) or corridor upon which such door opens and, in such case, no sprinkler system shall be required.

- c. Every existing interior glazed sash, window or opening, other than a door, in any partition forming required enclosures around [stairs](#) or [shafts](#) shall be removed and the openings closed up and [fire-retarded](#). Where an existing sash provides borrowed light to a [public hall](#) or corridor from a [living room](#) and there is no glass panel in the door providing access to such room, such sash shall be made stationary in a closed position and be glazed with wire glass one-quarter inch in thickness, or be entirely removed and the opening closed up with incombustible material.
 - d. All openings which provide direct access to a [fire-escape](#) from a [public hall](#) or corridor shall be equipped with [fireproof](#) doors and assemblies with the door self-closing or [fireproof](#) windows glazed with clear wire glass. Doors providing access to [fire-escapes](#) from [public halls](#) or corridors may be glazed with clear wire glass.
 - e. It shall be unlawful to attach to or maintain on or about any door required to be self-closing any device which prevents the self-closing of such door.
- 8.
- a.
 - (i) Every means of egress shall be indicated by a sign reading "EXIT" in red letters at least eight inches high on a white background, or vice versa, illuminated at all times during the day and night by a red light of at least twenty-five watts or equivalent illumination. Such light shall be maintained in a keyless socket. On all stories where doors, openings or passageways giving access to any means of egress are not visible from all portions of such stories, lighted or reflective directional signs shall be maintained in conspicuous locations, indicating in red on a white background, or vice versa, the direction of travel to the nearest means of egress. In addition to being posted in conspicuous locations, such signs located near the floor, giving direction to the nearest means of egress, shall also be maintained. At least one sign shall be visible from the doorway of each room or suite of rooms. Existing signs and illumination may be accepted if, in the opinion of the [department](#), such existing signs and illumination serve the intent and purpose of this subdivision. Supplementary [stairs](#), [fire-stairs](#), [fire-towers](#) or [fire-escapes](#) which do not lead to the entrance [story](#) or to a street or to a yard or court, leading to a street, shall be clearly marked "NOT AN EXIT" in black letters at least four inches high on a yellow background and at the termination of each such [stair](#), [fire-stair](#), [fire-tower](#) or [fire-escape](#), there shall be a directional sign indicating the nearest means of egress leading to a street. All signs shall be constructed, located and illuminated in a manner satisfactory to the [department](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

- b. On each floor of every [hotel](#) or motel having two or more stories where the rooms or suites of rooms are connected by an interior hallway, there shall be posted by each stairway, elevator or other means of egress a printed scale floor plan of the particular [story](#), which shall show all means of egress, clearly labeling those to be used in case of fire. Such signs shall be posted in other conspicuous areas throughout the building. Said floor plan shall be no smaller than eight inches by ten inches and shall be posted in such a manner that it cannot be readily removed.
9. The ceiling of the [story](#) immediately below the entrance [story](#) shall be [fire-retarded](#) or be equipped with one or more sprinkler heads. Any boiler or furnace room within the [dwelling](#) used in connection with supplying heat or hot water shall be enclosed with [fire-retarded](#) partitions and every door opening therefrom and its assembly shall be [fireproof](#) with the door self-closing. The ceiling of such room shall also be [fire-retarded](#) or be equipped with one or more sprinkler heads.
10.
 - a. There shall be provided in the roof directly over each [stair](#), [fire-stair](#), [fire-tower](#), dumb-waiter, elevator or similar [shaft](#) which extends to or within one [story](#) of a roof, a ventilating metal skylight having horizontal dimensions equal at least to seventy-five per centum of the cross-sectional area of such [shaft](#). Such skylight need not, however, exceed twenty square feet in area. Where an existing skylight is smaller than the dimensions or area prescribed in this paragraph, no structural change shall be required, but a ventilating metal skylight fitting the existing opening in the roof shall be sufficient. Every skylight shall be glazed with plain glass in the roof of such skylight and shall be equipped with metal screens over and under the skylight. In lieu of a skylight a window of the same area at the top [story](#) shall be accepted.
 - b. Whenever there is a flooring of solid construction at the top of any enclosed [stair](#), [fire-stair](#), [fire-tower](#), elevator or similar [shaft](#), openings shall be left near the top of such [shaft](#) for ventilation. Such openings shall provide at least two hundred eighty-eight square inches of unobstructed ventilation and shall communicate directly with the outer air, or be otherwise ventilated in accordance with the provisions of the local building code.
 - c. It shall be unlawful to discharge into any such [shaft](#) any inflammable or volatile gases, liquids or other thing or matter which would endanger life.
11.
 - a. There shall be a [fire-retarded](#) bulkhead in the roof over, or connecting directly by means of a [public hall](#) with the highest portion of, every [stair](#) extending to the highest [story](#) below the main roof. [Stairs](#) leading to such bulkheads shall be [fire-retarded](#) as required for other public [stairs](#) and shall have at the top [fireproof](#) doors and assemblies with the doors self-closing. All [stairs](#) to required bulkheads shall be provided with a guide or handrail. A scuttle so constructed as to be readily opened may be substituted for a bulkhead in such [dwellings](#) two stories or less in [height](#). Such scuttle shall be at least twenty-one inches in width and twenty-eight inches in length, covered on the outside with metal and provided with a stationary iron or steel ladder leading thereto.
 - b. When a [dwelling](#) has a pitched or sloping roof with a pitch or slope of more than fifteen degrees, no bulkhead or scuttle, or [stair](#) or ladder leading thereto shall be required.
 - c. A bulkhead door or scuttle shall never be self-locking and shall be fastened on the inside with movable rustproof bolts, hooks, or a lock which does not require a key to open from the inside of the [dwelling](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

- d. Bulkheads and [stairs](#) leading thereto existing on April fifth, nineteen hundred forty-four, shall be permitted provided the [stairs](#) have such angle of ascent and treads of such dimensions as may be approved by the [department](#).
12. In every such [dwelling](#) containing thirty or more rooms used for living or sleeping purposes by transient occupants there shall be a closed-circuit interior fire alarm system. Such alarm system shall be so installed and maintained that it can be operated manually from any [story](#) to sound an alarm or alarms capable of being heard clearly in all parts of the [dwelling](#). Such alarm system shall be installed, arranged and maintained in a manner satisfactory to the fire department.
13. When the local building code requires a standpipe system such system shall comply with all of the applicable requirements of such code.
14. In every such [fireproof dwelling](#) containing fifty or more rooms used for living or sleeping purposes by transient occupants and in every such [non-fireproof dwelling](#) containing thirty or more such rooms, the [owner](#) shall employ one or more watchmen or clerks whose duty it shall be to visit every portion of the [dwelling](#) at frequent regular intervals for the purpose of detecting fire or other sources of danger and giving immediate and timely warning thereof to all the occupants. There shall be provided a watchman's clock system or other device to record the movements of such watchman. Such system shall be installed, supervised and maintained in a manner satisfactory to the fire department. However, the provisions of this subdivision shall not apply where, throughout the [dwelling](#), a closed-circuit, automatic, thermostatic fire-detecting system is installed which actuates a fire alarm, or where, throughout the [dwelling](#), an approved-type automatic sprinkler system is installed which actuates a fire alarm by the flow of water through such system.
15.
 - a. Nothing in this section shall be construed as permitting partitions or materials which are not [fireproof](#) in any [fireproof dwelling](#); nor shall anything in this section be deemed to abrogate any powers or duties vested by law in the fire commissioner or fire department, except that an existing sprinkler installation, fire alarm or standpipe system which has been approved or accepted by the [department](#) having jurisdiction and installed before July first, nineteen hundred forty-eight, shall, after inspection by the said department, be deemed to be in compliance with the requirements of this section or may be altered or adapted to meet such requirements instead of a completely new installation or system.
 - b. All automatic sprinkler heads required by this section shall be constructed to fuse at a temperature not higher than one hundred sixty-five degrees Fahrenheit, spaced so as to protect the area which is required to be sprinklered, and installed, arranged and maintained in conformity with regulations adopted by the [department](#).
 - c. For the purposes of subdivisions twelve and fourteen of this section, the term "transient occupancy" shall mean the occupancy of a room for living purposes by the same person or persons for a period of ninety days or less.
16.
 - a. Notwithstanding any other provision of law to the contrary, within a [dwelling](#) to which this section is applicable the use of [dwelling](#) units as a [hotel](#) for other than permanent residence purposes, as defined in paragraph a of subdivision eight of [section four](#) of this chapter, that would otherwise be prohibited shall be permitted to continue for a period of two years after the effective date of this subdivision provided that:

NEW YORK STATE
MULTIPLE DWELLING LAW

- (1) such [dwelling](#) units were used for other than permanent residence purposes on January first, two thousand nine and on the effective date of this subdivision and fifty-one percent or more of the total number of [dwelling](#) units in such [dwelling](#) were used for other than permanent residence purposes on such dates;
 - (2) such [dwelling](#) was [occupied](#) as a [hotel](#) for other than permanent residence purposes on December fifteenth, nineteen hundred sixty-one;
 - (3) such [dwelling](#) is of [fireproof](#) construction and was of [fireproof](#) construction on January first, two thousand nine;
 - (4) such [dwelling](#) units used for other than permanent residence purposes have at least two lawful means of egress, including exit [stairs](#), [fire towers](#) or exterior [stairs](#) but excluding [fire escapes](#) and had such lawful means of egress on January first, two thousand nine;
 - (5) such [dwelling](#) has operational exit signs and a fire alarm system complying with the provisions for existing transient occupancies in accordance with local law and had such exit signs and fire alarm system on January first, two thousand nine; and
 - (6) such [dwelling](#) units used for other than permanent residence purposes are registered with the [department](#) within one hundred eighty days after the effective date of this subdivision in a form and manner to be provided by such department, including a requirement that the applicant submit certification of compliance with subparagraphs three, four and five of this paragraph, signed and sealed by a registered architect or licensed professional engineer in good standing under the education law. The [department](#) may assess fees to cover all costs associated with such registration. The [department](#) may refuse to register [dwelling](#) units or may revoke such registration if it determines such [dwelling](#) units or [dwelling](#) do not comply with the conditions for registration set forth in subparagraphs one through five of this paragraph.
- b. The [owner](#) shall obtain a certificate of occupancy for the use of registered [dwelling](#) units for other than permanent residence purposes within two years after the effective date of this subdivision. Upon application prior to the expiration of such two year period, the [department](#) may, for good cause, extend such time for up to one additional year but no such extension shall be granted unless the [department](#) finds that:
- (1) the [owner](#) has obtained the necessary permit or permits for all work necessary to bring such [dwelling](#) into compliance with the requirements of this chapter and all local housing, building and fire codes for the use of [dwelling](#) units for other than permanent residence purposes;
 - (2) all construction authorized by such permit or permits has been substantially completed; and
 - (3) there are no considerations of public safety, health and welfare that have become apparent since the issuance of the above described permit or permits that indicate an overriding benefit to the public in enforcing the requirement that the applicant obtain a certificate of occupancy for the use of registered [dwelling](#) units for other than permanent residence purposes within two years after the effective date of this subdivision.
- c. Upon application prior to the expiration of the time for obtaining a certificate of occupancy, as extended by the [department](#) pursuant to paragraph b of this subdivision, the board of standards and appeals may grant a further extension of time to obtain a certificate of occupancy in a case where there are circumstances beyond the applicant's

NEW YORK STATE
MULTIPLE DWELLING LAW

control or hardship in the way of obtaining such certificate within the time allowed by the [department](#) but no more than one such extension of fifteen months shall be granted for a building and no such extension shall be granted unless the board finds that there are no outstanding building or fire code violations of record at the property.

- d. The [department](#) shall issue such certificate of occupancy upon proof that said [dwelling](#) conforms in all respects to the requirements of this chapter and all local housing, building and fire codes for the use of [dwelling](#) units for other than permanent residence purposes. If no such certificate of occupancy is issued within two years after the effective date of this subdivision or, if applicable, within the time as extended by the [department](#) or as further extended by the board of standards and appeals, all use of [dwelling](#) units for other than permanent residence purposes shall thereafter cease.
- e. If after a certificate of occupancy is issued pursuant to paragraph d of this subdivision, the use of such [dwelling](#) units for other than permanent residence purposes is discontinued, nothing in this subdivision shall be construed to limit the application of the local zoning resolution with respect to such discontinuance.

§68. Smoke detecting devices.

1. This section shall apply to all [multiple dwellings](#), whenever constructed, provided however, that for the purposes of this section the term "[multiple dwelling](#)" shall also include any [dwelling](#) accommodation used as a temporary or permanent residence located in any building owned as a condominium or cooperative.
2.
 - (a) The [owner](#) of every [multiple dwelling](#) to which the provisions of this section apply shall equip each [apartment](#) or other separate living unit in such [multiple dwelling](#) with approved and operational smoke detecting devices in conformity with the state fire prevention and building code; provided, however, that any [multiple dwelling](#) not subject to the provisions of such code may, in the alternative, be equipped with battery-operated smoke detecting devices of a type accepted by the division of housing and community renewal.
 - (b) In [hotels](#) and other [class B multiple dwellings](#), and in any portion of a [class A multiple dwelling](#) used for [single room occupancy](#), at least one smoke detecting device shall be located within each room used for sleeping purposes. In any other [multiple dwelling](#) or portion thereof, there shall be at least one smoke detecting device located within each [apartment](#) or separate living unit, in an area so that it is clearly audible in each bedroom or other room used for sleeping purposes, with intervening doors closed; provided, however, that no smoke detecting device be located more than ten feet from the entrance to any bedroom or other room used for sleeping purposes.
 - (c) Each smoke detecting device shall include a test device to permit the occupant to readily determine if it is operational.
 - (d) In addition to complying with the provisions of this section, the type, location, number, and manner of installation of smoke detecting devices shall be in accordance with standards prescribed by the state fire prevention and building code council.
3.
 - (a) With respect to [class A multiple dwellings](#), other than any portion of any such [dwelling](#) used for [single room occupancy](#), and notwithstanding the provisions of [section seventy-eight](#) or any other provision of this chapter, or of any law or requirement, state or local,

NEW YORK STATE
MULTIPLE DWELLING LAW

- the duties of the [owner](#) and tenant with respect to smoke detecting devices installed pursuant to this section shall be as provided in subdivisions four and five of this section.
- (b) With respect to a [class B multiple dwelling](#), or any portion of a [class A multiple dwelling](#) used for [single room occupancy](#), the provisions of subdivision five of this section shall not apply, and smoke detecting devices installed as required by this section shall be subject to the provisions of [section seventy-eight](#) of this chapter.
 - (c) The [owner](#) of every [multiple dwelling](#) shall keep such records as the state fire prevention and building code council shall prescribe relating to the installation and maintenance of smoke detecting devices in the building and make such records available to any local code enforcement official on request.
4. In addition to initially providing and installing the smoke detecting devices, the [owner](#) shall:
 - (a) replace within thirty days after the receipt of written notice any such device which becomes inoperable within one year of the installation of such device due to a defect in the manufacture of such device and through no fault of the occupant of the [apartment](#) or other unit;
 - (b) upon the occurrence of a vacancy, replace or properly equip any such device which has been removed or rendered inoperable, so as to provide operational smoke detecting devices for any new tenant; and
 - (c) notify tenants in writing, individually or through posting of a notice in a common area of the building, of the respective duties of [owners](#) and tenants under this section.
 5. Except as provided in paragraph (b) of subdivision three of this section, the tenant shall keep and maintain any smoke detecting device installed pursuant to this section in good repair and replace any such device which becomes inoperable during his occupancy.
 6. An [owner](#) need not furnish or install a smoke detecting device where one has already been installed, provided that
 - (a) the type of such device and the manner of its installation comply with the provisions of this section and the standards prescribed by the state fire prevention and building code council,
 - (b) the existing device is tested and found to be operational, and
 - (c) the existence of such device in lieu of an owner-furnished device is noted on the records kept by the [owner](#) pursuant to paragraph (c) of subdivision three of this section.
 7. This section shall not apply within cities with a population of one million or more, provided however, any local law in such cities relating to smoke detecting devices shall provide for the installation and maintenance of smoke detecting devices in [dwelling](#) accommodations located in buildings owned as condominiums or cooperatives.

TITLE 3
SANITATION AND HEALTH

§75. Water supply.

1. In every [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, where space is provided for cooking there shall be in every [apartment](#) a proper sink with running water and with a two-inch waste and trap.
2. The [owner](#) of every [multiple dwelling](#) shall provide proper appliances to receive and distribute an adequate supply of water, to and in every [apartment](#) or suite of rooms at all times of the year, during all hours. Failure in the general supply of water from the street

NEW YORK STATE
MULTIPLE DWELLING LAW

service main shall not be construed as a failure on the part of the [owner](#), if suitable appliances to receive and distribute such water have been provided in the [dwelling](#).

3. For [dwellings](#) three or more stories in [height](#) erected on or after April eighteenth, nineteen hundred twenty-nine, and for all [dwellings](#) erected after January first, nineteen hundred fifty-one, such supply shall include both hot and cold water at all times of the year, during all hours, except that hot water service shall not be required by this section in a [dwelling](#) erected before April eighteenth, nineteen hundred twenty-nine, if the [owner](#) establishes to the satisfaction of the [department](#) that such service was not furnished or required before such date.
4. No [multiple dwelling](#) shall be erected unless it is connected with a street service water main.
5. No required sink shall be placed within any water-closet compartment or within any bathroom containing a water-closet.

§76. Water-closet and bath accommodations.

1. General requirements.

This section shall apply to all [dwellings](#) whenever erected or converted except as herein provided.

- a. No water-closet shall be installed, kept or maintained in any yard, court or other open space, and every water-closet or other receptacle to receive fecal matter, urine or sewerage, located in any such yard, court or other open space, shall be completely removed, and the place where they were located shall be disinfected under the direction of the [department](#).
- b. No water-closet shall be installed, kept or maintained in a [cellar](#) or [basement](#) unless it is provided for lawful [cellar](#) or [basement living rooms](#), or is supplementary to the required water-closet accommodations.
- c. No water-closet shall open directly into any kitchen or kitchenette in a [multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine.
- d. Every water-closet compartment shall be at least two feet four inches in clear width and, except in a general toilet or bathroom, shall be enclosed with partitions which shall extend from the floor to the ceiling and which shall be plastered or tiled or covered with similar materials approved by the [department](#).
- e. The floor of every such compartment, bathroom or general toilet room shall be made waterproof with material approved by the [department](#), and such waterproofing material shall extend six inches or more above the floor, except at doors.
- f. The use of drip trays is unlawful.
- g. No plumbing fixture or water-closet shall be enclosed wholly or in part with woodwork.
- h. Every water-closet compartment, bathroom and general or public toilet room, and every other room containing one or more water-closets or urinals, except as specifically provided otherwise in this section, shall have at least one window opening upon a street or lawful court, yard or space above a setback. Every such window shall be at least three square feet in area and shall be made so that half its area can be readily opened.
- i. No window shall be required when each such compartment, bathroom or general toilet room is located on the top [story](#) or underneath the bottom of a lawful [shaft](#) or court and is lighted and ventilated in either case by a skylight the roof of which contains at least three square feet of glazed surface and is arranged to be readily opened.
- j. In lieu of a required window or skylight, it shall be lawful to install a system of ventilation, approved for construction and arrangement by the [department](#), for water-

NEW YORK STATE
MULTIPLE DWELLING LAW

closet compartments used for the business portions of any [dwelling](#) or for compartments containing water-closets, bathrooms or general toilet room in any [dwelling](#). Such system of ventilation shall be maintained and operated continuously to provide at least four changes per hour of the air volume of each such water-closet compartment, bathroom or general toilet room daily from seven o'clock in the morning until seven o'clock at night in any business parts of such [dwelling](#) and from six o'clock in the morning until midnight in all parts used for [dwelling](#) purposes.

- k. Every water-closet compartment or bathroom shall be provided with electricity and fixtures to light the same properly.
 - l. In a [fireproof dwelling](#) in which two or more rooms, all of which open directly upon the same [public hall](#), are [occupied](#) exclusively by persons employed by the tenants thereof, there shall be provided for the occupants of such rooms and accessible therefrom directly or through such [public hall](#), at least one water-closet compartment for the first four such rooms or fraction thereof and at least one additional water-closet compartment for each additional seven such rooms or fraction thereof, and no further water-closet accommodations for such rooms shall be required.
 - m. Water-closets may be placed together in a general toilet room provided they are supplementary to required water-closet accommodations or are solely for the use of business portions of the [dwelling](#).
 - n. Except as herein provided if any [living rooms](#) in a [fireproof dwelling](#) open directly upon a [public hall](#) without any intervening room, [foyer](#) or passage, or if any suites of two [living rooms](#) in such a [dwelling](#) open upon a [foyer](#) giving direct access to a [public hall](#), only one water-closet compartment shall be required for every three such [living rooms](#) on each [story](#). Every such water-closet compartment shall be accessible to one or more of said rooms without passage through a [public hall](#) or any bedroom.
2. [Class A dwellings](#).
- a. Every [apartment](#) in a [class A dwelling](#), except old-law [tenements](#), shall be provided with a water-closet which shall be placed in a compartment completely separated from any other water-closet.
 - b. Every [apartment](#) in a [class A dwelling](#), except old-law [tenements](#), shall also contain a bath, which may be in a separate compartment or together with the water-closet in a bathroom. There shall be access to at least one such compartment or bathroom from every bedroom without passing through any other bedroom.
3. [Class B dwellings](#).
- a. The requirements of paragraph n, of subdivision one of this section shall not apply to a [fireproof class B dwelling](#), every [living room](#) of which, except those used only by employees employed exclusively in the management and maintenance of such [dwelling](#), has direct access to a [public hall](#) without passing through any other room, [foyer](#) or private hall and in which water-closet accommodations are provided in accordance with the provisions of this subdivision.
 - b. In such a [fireproof dwelling](#) there shall be on each [story](#) upon which there is any [living room](#) at least two water-closet compartments for the first twenty such [living rooms](#) or fraction thereof and at least one additional water-closet compartment for each additional fifteen such [living rooms](#) or fraction thereof, and no further water-closet accommodations for such rooms shall be required.

NEW YORK STATE
MULTIPLE DWELLING LAW

- c. There shall be on each [story](#) of such [fireproof dwelling](#), in addition to the water-closet accommodations required in paragraph n of subdivision one hereof, at least one water-closet compartment for every fifteen [living rooms](#) or fraction thereof not having access to a water-closet compartment without passage through a [public hall](#) or bedroom, and every such room shall have access to such a compartment through a [public hall](#). If two or more such compartments be required on any [story](#) by the provisions of this paragraph, they may be placed in a general toilet room.
 - d. For every urinal supplied on any [story](#) of such [fireproof dwelling](#) on which seventeen rooms or more are [occupied](#) exclusively by males, one water-closet compartment less than the number otherwise required may be provided on such [story](#); except that the number of water-closet compartments on such [story](#) may not be reduced to less than three-quarters of the number otherwise required.
 - e. The water-closet compartments on each [story](#) of such a [dwelling](#) shall be accessible from every [living room](#) on the [story](#). Such compartments may be placed in one or more general toilet rooms.
 - f. In a non-fireproof class B [dwelling](#) there shall be at least one water-closet compartment and one wash basin for every seven sleeping rooms and there need not be more than that number except that there shall be at least one on each [story](#). At least one such water-closet compartment and one wash basin on each [story](#) of such [dwelling](#) shall be accessible from every [living room](#) on the same [story](#).
4. [Converted dwellings](#).
- g. Every [apartment](#) in a class A [converted dwelling](#) shall be provided with a water-closet which shall be placed in a compartment or bathroom within each [apartment](#) completely separated from any other water-closet. Every such [apartment](#) shall also contain a bath or shower and a wash basin.
 - h. In every class B [converted dwelling](#) there shall be at least one water-closet compartment on any floor containing any room used for class B occupancy and at least one bathroom or shower room and one wash basin for every six persons and for any remainder of less than six persons who may lawfully occupy any room or rooms for class B occupancy.
 - i. Additional required water-closets and wash basins which are installed in order to comply with the provisions of this paragraph whether provided separately or in combination, shall be in a compartment separate and apart from every bath or shower required under the provisions of paragraph b, and each such additional required bath or shower shall be in a compartment separate and apart from every water-closet and wash basin required under the provisions of paragraph b, except that any such additional required water-closet, bath or shower or wash basin may be included in a single compartment containing any or all of such facilities, if such compartment is accessible only from or only within a room, [apartment](#) or suite of rooms and the occupant or occupants of such room, [apartment](#) or suite are exclusively entitled to use all such facilities contained in such compartment.
5. Old-law [tenements](#).
- In every old-law [tenement](#) there shall be provided for the exclusive use of each [family](#) at least one water-closet compartment located within the [dwelling](#). Such compartment shall be constructed and ventilated as approved by the [department](#) but such compartment shall be located on the same [story](#) as that on which the [apartment occupied](#) by each such [family](#) is situated and shall be equipped with lock and key. The provisions of this subdivision shall not apply

NEW YORK STATE
MULTIPLE DWELLING LAW

- (a) to any [dwelling](#) which the department of city planning certifies is in an area to be acquired for a public improvement and for which a request for acquisition has been submitted to the board of estimate by a public agency; or
- (b) to any [dwelling](#) in an area for which an urban renewal plan has been submitted to the planning commission, as provided in section five hundred five of the general municipal law, if the planning commission shall certify that compliance with the provisions of this subdivision would be inconsistent with the plan; or
- (c) for which a demolition permit has been or shall be issued by the municipality pursuant to local law or ordinance. The exemption provided in (a), (b), and (c) of this subdivision shall be valid for a period of six months after the date of the acquisition request or the date of the submission of the urban renewal plan to the commission or the date of the issuance of the demolition permit as the case may be. Such exemption may be extended from time to time by the [department](#) provided, however, that such exemption shall not extend beyond November first, nineteen hundred sixty-five.

6. [Single room occupancy](#).

- j. Every [apartment](#) used for [single room occupancy](#) shall have at least one bath or shower, one wash-basin and one water-closet for each six adult persons who may lawfully occupy the rooms in such [apartment](#) as provided in [section two hundred forty-eight](#), and for any remainder of less than six persons. If additional baths or showers or water-closets are installed within an [apartment](#) in order to comply with the provisions of this paragraph each water-closet shall be in an enclosure separate and apart from every bathroom or shower room and each bath or shower shall be in an enclosure separate and apart from every water-closet.
- k. There shall be access to each required water-closet and bathroom without passing through any sleeping room, except that any water-closet, wash-basin or bathroom which connects directly with any sleeping room shall be deemed to be available only to the occupants of such room and shall not be included in the computations for the required number of water-closets and bathrooms.

7. Saving clause.

No change need be made in the number, construction, arrangement, lighting or ventilation of water-closet compartments, bathrooms or general toilet rooms in any portion of any [dwelling](#) if the number, construction, arrangement, lighting or ventilation of such water-closet compartments, bathrooms or general toilet rooms was lawful on July first, nineteen hundred sixty-one.

§77. Plumbing and drainage.

- 1. In every [multiple dwelling](#) all liquid or water-borne waste from plumbing fixtures shall be conveyed by a house drain and house sewer to a street sewer or to a combined street storm-water main and sewer, unless no such sewers are available. It shall be unlawful to erect a [multiple dwelling](#) which is to be [occupied](#) by five [families](#) or more unless a connection is made with a street sewer or combined street storm-water main and sewer.
- 2. For every [multiple dwelling](#) where neither kind of sewer is available, provision shall be made for disposing of such waste as may be required by local law.
- 3. All roofs, terraces, [shafts](#), courts, areas and yards in every [multiple dwelling](#) shall be properly graded, drained and connected with a street storm-water main or combined sewer and street storm-water main so that all storm water may pass freely into it, except that where no street storm-water main or combined sewer and street storm-water main exists, the [department](#) may

NEW YORK STATE
MULTIPLE DWELLING LAW

permit the storm water from such areas and spaces to drain into a street gutter which leads to a natural channel or water course, or into a dry well. When required by the [department](#), the [shafts](#), courts, areas and yards shall be properly concreted. Every roof shall be so drained that all storm water shall be conveyed therefrom in a manner that will prevent dripping to the ground or the causing of dampness in walls, ceilings, yards, [shafts](#) or areas. Nothing in this section shall be deemed to prevent the turfing over of any yard or court space or the planting of shrubs or trees therein when approved by the [department](#).

4. The [owner](#) of every [multiple dwelling](#) or part thereof shall thoroughly cleanse and keep clean at all times, and in good repair, the entire plumbing and drainage system including every water-closet, toilet and sink and every other plumbing fixture therein.
5. Whenever the plumbing, sewerage or drainage of any [multiple dwelling](#) or part thereof or of the [lot](#) on which it is situated is in the opinion of the [department](#) in a condition or in its effect dangerous to life or health, the [department](#) may order or cause any such plumbing, sewerage or drainage to be purified, cleansed, disinfected, removed, altered, repaired or improved, or, as provided in [section three hundred nine](#), take such other action as it may deem necessary to remove such danger to life or health.

§78. Repairs.

1. Every [multiple dwelling](#), including its roof or roofs, and every part thereof and the [lot](#) upon which it is situated, shall be kept in good repair. The [owner](#) shall be responsible for compliance with the provisions of this section; but the tenant also shall be liable if a violation is caused by his own willful act, assistance or negligence or that of any member of his [family](#) or household or his guest. Any such persons who shall willfully violate or assist in violating any provision of this section shall also jointly and severally be subject to the civil penalties provided in [section three hundred four](#).
2. Whenever, the light, ventilation, or any matter or thing in or about a [multiple dwelling](#) or part thereof, or in or about the [lot](#) on which it is situated, is in the opinion of the [department](#) in a condition or in its effect dangerous to life or health, the [department](#) may order or cause any such light, ventilation, matter or thing to be repaired or improved or, as provided in [section three hundred nine](#), take such other action as it may deem necessary to remove such danger to life or health.

§79. Heating.

1. Every [multiple dwelling](#) exceeding two stories in [height](#) and erected after April eighteenth, nineteen hundred twenty-nine, and every [garden-type maisonette dwelling](#) project erected after April eighteenth, nineteen hundred fifty-four, shall be provided with heat. On and after November first, nineteen hundred fifty-nine, every [multiple dwelling](#) shall be provided with heat or the equipment or facilities therefor. During the months between October first and May thirty-first, such heat and the equipment or facilities shall be sufficient to maintain the minimum temperatures required by local law, ordinance, rule or regulation, in all portions of the [dwelling](#) used or [occupied](#) for living purposes provided, however, that such minimum temperatures shall be as follows:

- (a) sixty-eight degrees Fahrenheit during the hours between six o'clock in the morning and ten o'clock in the evening, whenever the outdoor temperature falls below fifty-five degrees Fahrenheit, notwithstanding the provisions of paragraph a of subdivision four of [section three](#) of this chapter, and

NEW YORK STATE
MULTIPLE DWELLING LAW

- (b) at least fifty-five degrees Fahrenheit during the hours between ten o'clock in the evening and six o'clock in the morning, whenever the outdoor temperature falls below forty degrees Fahrenheit. Nothing in this section shall be deemed to relieve any [owner](#) of the duty of providing centrally supplied or other approved source of heat prior to November first, nineteen hundred fifty-nine in any case where such heat is required by this chapter or any other law, ordinance, rule or regulation to be supplied in a [dwelling](#) prior to said date. The heating system in [dwellings](#) used for [single room occupancy](#) shall be in conformity with the requirements of [section two hundred forty-eight](#).
2. The provisions of subdivision one shall not apply to any dwelling
- (a) which is located in a resort community and is rented or [occupied](#) on a seasonal basis between April fifteenth and October fourteenth during any calendar year and is not [occupied](#) for living purposes during the remainder of such year, except that occupancy of any such [dwelling](#) by the [family](#) of a caretaker thereof or by the [family](#) of the [owner](#) thereof during the remainder of the year shall be permitted; or
- (b) which the department of city planning certifies is in an area to be acquired for a public improvement or for development or redevelopment and for which
- (1) a request for acquisition has been submitted to the mayor by a public agency or
- (2) a plan for a development or redevelopment project has received preliminary or first approval of the city planning commission; or
- (c) for which a demolition permit has been or shall be issued by the municipality pursuant to local law or ordinance.
3. The exemption provided in subdivisions two (b) and two (c) of this section shall be valid for a period of six months after the date of the approval of the slum clearance or urban renewal plan or the date of such certification or the date of the issuance of the demolition permit, as the case may be, but such exemption may be extended from time to time by the [department](#) provided, however, that such exemption shall not extend beyond November first, nineteen hundred sixty-one.

§80. Cleanliness.

1. The [owner](#) shall keep all and every part of a [multiple dwelling](#), the [lot](#) on which it is situated, and the roofs, yards, courts, passages, areas or alleys appurtenant thereto, clean and free from vermin, dirt, filth, garbage or other thing or matter dangerous to life or health.
2. The [owner](#) of every [multiple dwelling](#) or part thereof shall thoroughly cleanse and keep clean at all times, to the satisfaction of the [department](#), every public or service part thereof, including every room, passage, [stair](#), floor, window, door, wall, ceiling, water-closet or toilet compartment, cesspool, drain, hall and [cellar](#) in such public or service part.
3. All carpets and rugs which are permitted in any [public part](#) of a [multiple dwelling](#) shall be taken up and cleaned by the [owner](#) at least once a year or as much oftener as the [department](#) shall deem necessary.
4. The interior surfaces of walls throughout every part of every [multiple dwelling](#), whether in public or in tenant-occupied parts, shall be painted or papered and the ceilings kalsomined or painted by the [owner](#). The walls and ceilings shall be rekalsomined, repapered or repainted by the [owner](#) whenever necessary to keep the said surfaces in a sanitary condition. No wall paper shall be placed upon such a wall or ceiling surface unless all existing wall paper shall be first removed therefrom and such wall or ceiling thoroughly cleaned and repaired.

NEW YORK STATE
MULTIPLE DWELLING LAW

5. Any tenant shall be punishable as provided in [section three hundred four](#) for the existence of conditions in violation of the provisions of this chapter within his [apartment](#) to the extent that such conditions are caused by him, by members of his [family](#) or by his guests, and are under his control; but this provision shall not be construed to relieve the [owner](#) of any liability or duty under this section, except where a violation is caused and continued solely by the tenant or those under his control.
6. Every [dwelling](#) erected after January first, nineteen hundred forty-seven, shall be so constructed as to be rat-proof. The agency of a city authorized by law to make rules supplemental to laws regulating construction, maintenance, use and area of buildings shall have the power to make rules and regulations to supplement the requirements of this subdivision.

§81. Receptacles for waste matter.

1. The [owner](#) of every [multiple dwelling](#) shall provide proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other waste matter and shall arrange for the removal of such waste matter daily.
2. No person shall place ashes, garbage, rubbish, filth, urine or fecal matter in any place in a [multiple dwelling](#) other than the place provided therefor, or keep any such matter in his [apartment](#) or upon his [premises](#) such length of time as to create a nuisance as defined in [section three hundred nine](#).

§82. Privacy.

In every [apartment](#) of three or more rooms in every [class A multiple dwelling](#) erected after April eighteenth, nineteen hundred twenty-nine, there shall be access to every [living room](#) and bedroom without passing through any bedroom.

§83. Janitor or housekeeper.

Whenever there are thirteen or more [families](#) occupying any [multiple dwelling](#) and the [owner](#) does not reside therein, there shall be a janitor, housekeeper or some other person responsible on behalf of the [owner](#) who shall reside in said [dwelling](#), or within a [dwelling](#) located within a distance of two hundred feet from said [dwelling](#), and have charge of such [dwelling](#), except that where two or three [multiple dwellings](#) are connected or adjoining, one resident janitor shall be sufficient. In every [garden-type maisonette dwelling](#) project erected after April eighteenth, nineteen hundred fifty-four, adequate personnel shall be provided for the lawful care and maintenance of such project.

§84. Construction standards for the control of noise.

On or before January first, nineteen hundred sixty-nine, the [department](#) shall formulate, adopt, promulgate and thereafter from time to time amend standards of sound retardation for the walls, partitions and floors and ceilings between [apartments](#) and between [apartments](#) and public spaces situated therein based on the direct measurement of sound transmission loss determined in decibels for various frequencies or in accordance with the ASTM sound transmission class system or in accordance with such other recognized method or system for measuring reduction of sound transmission as the [department](#) may determine to be appropriate. Any construction of a [multiple dwelling](#) commenced after January first, nineteen hundred seventy shall comply with the standards promulgated pursuant to this section in effect at the time of commencement of such construction.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 4

FIREPROOF MULTIPLE DWELLINGS

§100. Application of article four.

The provisions of this article shall apply to [fireproof multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, and to such [dwellings](#) only. They shall apply to all such [fireproof dwellings](#) unless their application is expressly limited to [dwellings](#) of a particular class. They shall apply in addition to, and not in substitution for, the provisions of [article three](#).

TITLE 1
FIRE PROTECTION

§101. Requirements for [fireproof](#) construction.

1. Every such [dwelling](#) exceeding six stories or seventy-five feet in [height](#) shall be [fireproof](#). No [multiple dwelling](#) shall be altered so as to exceed either of such [heights](#) without being made [fireproof](#).
2. In a [fireproof multiple dwelling](#) the walls, floors, roof, [stairs](#) and [public halls](#) shall all be [fireproof](#) except as provided in subdivision three. No beams, lintels or other structural members shall be of wood. No wood or other inflammable material shall be used in any of the partitions, furrings or ceilings. For the portion of a [multiple dwelling](#) more than one hundred fifty feet above the [curb level](#), no wood shall be used except as provided in subdivision three and except for interior trim of windows.
3. The foregoing requirements shall not be construed as prohibiting:
 - a. Elsewhere than within, or in the openings to, the [public halls](#), [stairs](#) and [shafts](#), the use of wood for sleepers, grounds, nailing blocks, under flooring, finish flooring, interior doors with their assemblies and saddles, floor base not more than one foot in [height](#), picture and wall molding, shelving, closet and kitchen fixtures, cupboards, cabinets and wardrobes.
 - b. The use of wood for windows and for interior trim and finish backed solidly against, or filled with, incombustible material when located not more than one hundred fifty feet above the [curb level](#) and elsewhere than within, or in the openings to, the [public halls](#), [stairs](#) and [shafts](#).
 - c. The use within [apartments](#) of wood for decorative wall paneling, wainscoting, mantels or other interior finish, and the use in an entrance hall of wall paneling or wainscoting made of [fireproof](#) wood or other material capable of successfully withstanding standard fire tests prescribed in the local building code and in a manner approved by the [department](#).
 - d. Where [fireproof](#) doors are required, the use for such doors, with their assemblies and saddles, of material and construction capable of successfully withstanding a one-hour standard fire test prescribed in the local building code and in a manner approved by the [department](#). Should any door required to be [fireproof](#) be found to have deteriorated so that it shall after installation fail to conform to the standard fire tests prescribed, such door shall be removed by the [owner](#) and replaced by him with a door capable of successfully withstanding such tests.
4. All materials combustible in their natural state which are constructed, processed or protected so that they will not support combustion shall, before being installed in a [multiple dwelling](#) for any of the uses herein specified, be permanently identified by label or marking with the

NEW YORK STATE
MULTIPLE DWELLING LAW

name of the manufacturer and the year of manufacture in a manner approved by the [department](#).

5. When required to be [fireproof](#), any outer wall or any wall or partition which carries any load in addition to its own weight shall, unless otherwise in this chapter expressly required, be constructed of materials capable of successfully withstanding a four-hour standard fire test prescribed in the local building code and in a manner approved by the [department](#). When required to be [fireproof](#), any wall or partition which carries only its own weight, other than an outer wall, shall be constructed of materials capable of successfully withstanding a one-hour standard fire test prescribed in the local building code and in a manner approved by the [department](#).

§102. [Stairs](#).

1. Except as otherwise specifically provided in subdivisions three and four and in paragraphs b to j inclusive of subdivision six, every [multiple dwelling](#) which exceeds two stories in [height](#) shall have at least two [fire-stairs](#). Such [fire-stairs](#) shall extend from the entrance [story](#) to the roof and be equipped with [fireproof](#) self-closing doors glazed with wire glass and without transoms. No windows shall be required in such [stairs](#), but any openings in exterior walls, except any window openings facing a street or yard, shall be equipped with [fireproof](#) frame and sash glazed with wire glass. Entrances to such [fire-stairs](#) shall be at least fifteen feet distant from each other and from the entrance to every other [fire-stair](#) or [fire-tower](#), except that the distance between two such entrances may be less if they are on opposite sides of an elevator vestibule or other [public hall](#) or are separated by an elevator [shaft](#). The doors giving access to such [stairs](#) shall not be held open by any device whatever.
2. Every such [fire-stair](#) shall have an entrance on the entrance [story](#) from a street or an entrance at the side or [rear](#) of the [dwelling](#) from a yard, court or passageway having continuous, safe and unobstructed access to a street. Except as otherwise expressly provided in paragraphs b to j inclusive of subdivision six, in a [dwelling](#) not exceeding one hundred twenty-five feet in [height](#) every [stair](#), [fire-stair](#) and [fire-tower](#) shall be at least three feet in clear width, and where only one [fire-stair](#) or [fire-tower](#) is required such [fire-stair](#) or [fire-tower](#) shall be at least three feet eight inches in clear width. In a [dwelling](#) exceeding one hundred twenty-five feet in [height](#) every required [fire-stair](#) shall be at least three feet eight inches in clear width from the entrance [story](#) up to a floor level not more than one hundred feet below the ceiling of the highest [story](#), and above such level every [fire-stair](#) shall be at least three feet in clear width. Every [stair](#) landing at every floor level shall be at least three feet eight inches in clear width in every direction.
3. Except in [dwellings](#) erected under plans filed with the [department](#) before April twenty-eighth, nineteen hundred thirty, and except as otherwise provided in paragraphs b to j inclusive of subdivision six there shall be horizontal access from every [apartment](#) to at least two [fire-stairs](#), at least one of which shall be within seventy-five feet horizontally in the line of travel from a required means of egress from such [apartment](#).
4. Except as provided in paragraphs b, c and d of subdivision six, a [fire-tower](#) may be substituted for any required [fire-stair](#). When a [fire-tower](#) is substituted for a [fire-stair](#), such [fire-tower](#) shall comply with all the applicable requirements for the [fire-stair](#) it replaces and shall have its means of egress directly to a street or to a yard or court having direct, unobstructed access to a street without passing through any entrance hall; except that a fire-

NEW YORK STATE
MULTIPLE DWELLING LAW

tower may have its means of egress into a [public vestibule](#) if such means is not more than fifteen feet from a street in the line of travel.

5. The [stairs](#) in a tower or [dwelling](#) containing a passenger elevator and meeting the conditions of paragraphs f, g or h of subdivision six may conform to the provisions of such paragraph and paragraph i of such subdivision in lieu of the different provisions which would otherwise be applicable thereto.
6. Under the special conditions described in paragraphs a to j inclusive and in the following table, which applies only to [class A dwellings](#), [stairs](#) shall conform to the applicable provisions of such paragraphs and table. NOTE: TABLE FOUND IN CHAP. 234 OF THE LAWS OF 1964
 - a. Except as otherwise expressly provided in this paragraph and in paragraphs b to j inclusive of subdivision six, if the number of [living rooms](#) on any [story](#) above the entrance [story](#) exceeds forty, there shall be an additional [fire-stair](#) for each twenty [living rooms](#) or fraction thereof in excess of forty on any [story](#) above the entrance [story](#). Such an additional [fire-stair](#) shall not be required if the number of [living rooms](#) on no [story](#) above the entrance [story](#) exceeds fifty and in addition the clear width of one [fire-stair](#) is at least one and one-half times the width specified for a [fire-stair](#) in subdivision two, the clear width of every [public hall](#) connected with such [fire-stair](#) is at least one and one-half times the width specified for a [public hall](#) in [section one hundred seven](#) and the clear width of every entrance hall connected with such [fire-stair](#) is at least one and one-half times the width specified for an entrance hall in [section fifty](#). Any additional [fire-stair](#) constructed pursuant to this paragraph need not be carried to a greater [height](#) than the level of a roof, or of a terrace formed by a setback, above the highest [story](#) on which the number of rooms requires such additional [stair](#). When any [fire-stair](#) terminates at the level of a setback of any outer wall, such setback shall form a terrace at least four feet in [depth](#) measured between the inside of the parapet wall and the wall of the [dwelling](#) and at least ten feet in length measured parallel to the wall of the [dwelling](#).
 - b. In a [class A dwelling](#) or [section](#) thereof not exceeding six stories in [height](#), for which plans shall have been filed in the [department](#) before September first, nineteen hundred fifty-one, only one [stair](#) shall be required, provided the number of [apartments](#) having access to such [stair](#) on each [story](#) does not exceed six and the aggregate number of [living rooms](#) in such [apartments](#) does not exceed twenty, except that the total number of rooms above the first [story](#) shall not exceed one hundred and the total number of [apartments](#) above the first [story](#) shall not exceed thirty. Such [stair](#) shall in addition comply with all the provisions of [section one hundred forty-eight](#) relating to [stairs](#) in [non-fireproof dwellings](#), except that in lieu of a window such [stair](#) may have at each [story](#) an opening to a street or to a lawful yard or court other than a court on a [lot](#) line. Such opening shall be at least forty square feet in area and five feet in width, and shall be furnished with a properly secured guard railing at least five feet in [height](#) and approved by the [department](#). Such opening shall be kept continuously open to the outer air. No means of egress from any [apartment](#) to such [stair](#) shall be more than twenty-five feet distant therefrom.
 - c. In a [class A dwelling](#) or [section](#) thereof not exceeding six stories in [height](#) only one [stair](#) shall be required, provided the number of [living rooms](#) on any [story](#) above the entrance [story](#) does not exceed twenty. If the number of [living rooms](#) on any [story](#) or [section](#) thereof above the entrance [story](#) exceeds twenty, there shall be an additional [stair](#) for each twenty rooms or fraction thereof on any such floor or [section](#) in excess of twenty, except that if the number of [living rooms](#) on no such [story](#) or [section](#) above the entrance [story](#)

NEW YORK STATE
MULTIPLE DWELLING LAW

exceeds thirty, in lieu of an additional [stair](#) one [stair](#) and every [public hall](#) connected therewith may be four feet six inches in clear width. Such [stair](#) shall be completely separated from every other [stair](#), [fire-stair](#), [fire-tower](#), [public hall](#) and [shaft](#) by [fireproof](#) walls. Doors to [stairs](#), [fire-stairs](#) and [fire-tower](#) balconies from any [public hall](#) in such a [dwelling](#) or [section](#) shall be at least three feet wide, self-closing and fireproof, with their assemblies also [fireproof](#). The panels of every such door shall be glazed with clear wire glass and no pane thereof shall exceed three hundred sixty square inches in area. Those portions of the enclosure partition which separate the [public hall](#) from the [stair](#) shall be glazed with wired plate glass at least one-quarter inch in thickness, with no pane more than three hundred sixty square inches in area, so as to provide so far as practicable an unobstructed view of the [stair](#) from each [public hall](#). Glass panels shall be at least twelve inches and not more than sixteen inches above the floor of the [public hall](#). [Public halls](#) providing access to any such enclosed [stair](#) shall be lighted and ventilated as prescribed for [non-fireproof dwellings](#) in [section one hundred forty-nine](#). No means of egress from any [apartment](#) to such a [stair](#) shall be more than fifty feet distant therefrom.

- d. In a [class A dwelling](#) or [section](#) thereof not exceeding six stories in [height](#) only one [stair](#) shall be required, provided the number of [apartments](#) having access to such [stair](#) at each [story](#) does not exceed eight and the aggregate number of [living rooms](#) in such [apartments](#) does not exceed twenty-five, except that the total number of [living rooms](#) above the first [story](#) shall not exceed one hundred twenty-five and the total number of [apartments](#) above the first [story](#) shall not exceed forty. No means of egress from any [apartment](#) to such [stair](#) shall be more than twenty-five feet distant therefrom. Doors and [stair](#) enclosures shall conform to the provisions of paragraph c.
- e. In a [dwelling](#) conforming to the provisions of paragraph b, c or d the lowest [story](#) may be designated as a [basement](#) if such [story](#) is not used for living purposes but is used solely for storage or other general utility purposes accessory to the occupancy, use and management of the [dwelling](#). Such a [basement](#) shall not be deemed a [story](#) in computing the [height](#) of the [dwelling](#).
- f. Every tower erected pursuant to plans on or after December fifteenth, nineteen hundred sixty-one in a [fireproof dwelling](#) shall be provided with at least one passenger elevator. Such elevator shall be operated between the ground [story](#) and the highest [story](#) of such tower containing any [living room](#) and horizontal access thereto shall be provided at each [story](#) for every [apartment](#) in the tower. [Stairs](#) in such a tower may comply with the following provisions of this paragraph in lieu of the different provisions otherwise applicable. In such case there shall be provided at least one [fire-stair](#). If there are more than fifteen [living rooms](#) on any [story](#) of the tower, there shall be an additional [fire-stair](#) for each additional fifteen such rooms or fraction thereof. Every [fire-stair](#) so required shall extend from the top [story](#) of the tower to the entrance hall of the [dwelling](#) and be horizontally accessible from each [story](#) of every [apartment](#) in the tower. If the tower was erected under plans filed with the [department](#) on or after April twenty-eighth, nineteen hundred thirty, it shall also have an additional means of egress as provided in paragraph i of this subdivision.
- g. In a [dwelling](#) in which one or more passenger elevators are operated with horizontal access from every [apartment](#) in the [dwelling](#) and in which every [story](#) has an area of not more than twenty-five hundred square feet exclusive of elevator [shafts](#), [public halls](#), [stairs](#) and [fire-stairs](#) and contains not more than fifteen [living rooms](#), [stairs](#) may comply with

NEW YORK STATE
MULTIPLE DWELLING LAW

the provisions of this paragraph in lieu of the different provisions otherwise applicable. In such case there shall be at least one [fire-stair](#), and there need not be more than one, accessible from each [apartment](#) on each [story](#) and extending from the roof to the entrance [story](#) with unobstructed access to a street. If the [dwelling](#) was erected under plans filed with the [department](#) on or after April twenty-eighth, nineteen hundred thirty, it shall also have an additional means of egress as provided in paragraph i.

- h. When a [dwelling](#) is divided into [sections](#) by unpierced [fireproof](#) construction extending from the second tier of beams above the ground [story](#) to the roof, and one or more passenger elevators are operated in each such [section](#) with horizontal access from each [apartment](#) therein, and every [story](#) of each such [section](#) above the entrance [story](#) contains not more than ten [living rooms](#) where there are four or more [apartments](#) on such [story](#) or not more than fifteen [living rooms](#) where there are three [apartments](#) or less on such [story](#), [stairs](#) may comply with the provisions of this paragraph in lieu of the different provisions otherwise applicable. In such case there shall be in each such [section](#) at least one [fire-stair](#), and there need not be more than one, extending from the roof to the entrance [story](#) with unobstructed access to a street. If the [dwelling](#) was erected under plans filed with the [department](#) on or after April twenty-eighth, nineteen hundred thirty, each such [section](#) shall also have an additional means of egress as provided in paragraph i.
- i. The main means of egress from every [apartment](#) in a tower or [dwelling](#) erected pursuant to the provisions of paragraph f, g, or h shall be within twenty-five feet of a [fire-stair](#) meeting the requirements of such paragraph. If the tower or [dwelling](#) was erected under plans filed with the [department](#) on or after April twenty-eight, nineteen hundred thirty, egress shall also be provided, in addition to the required [fire-stairs](#), by means of another [stair](#) extending from the main roof of the [dwelling](#), or in the case of a tower from the highest [story](#) thereof, to the entrance [story](#), with unobstructed access to a street. Such additional [stair](#) shall be horizontally accessible from each [apartment](#) at each [story](#) through a vestibule or other [public hall](#) and shall conform with all the requirements for a [fire-stair](#) except that its clear width may be reduced to a minimum of twenty-eight inches, its risers may be increased to a maximum of nine inches in [height](#), and its treads, exclusive of nosing, may be reduced to a minimum of eight inches in width. No door giving access thereto shall swing into such [stair](#).
- j. A [class B dwelling](#) in which at least eighty per centum of the [living rooms](#) above the second [story](#) open directly upon a [public hall](#) without any intervening [foyer](#) or private hall, shall have at least two [fire-stairs](#) accessible at each [story](#) from each room through a [public hall](#). Such [fire-stairs](#) shall be so located that at least one [fire-stair](#) shall be not more than one hundred twenty-five feet along the line of travel from the means of egress from any [living room](#). Every such [fire-stair](#) shall have a clear width of at least three feet eight inches. Two such [fire-stairs](#) shall be deemed adequate for seventy [living rooms](#) on any [story](#). For each thirty-five [living rooms](#) or fraction thereof in excess of seventy on any [story](#) there shall be one additional [fire-stair](#); except that if such fractional excess number of [living rooms](#) is not more than twenty per centum of the total number of [living rooms](#) provided for by the required two [fire-stairs](#) and one additional [fire-stair](#) for each thirty-five [living rooms](#), if any, in excess of seventy, in lieu of another [fire-stair](#) for such fractional excess number of [living rooms](#), the area of every [fire-stair](#) landing at such [story](#) may be increased by not less than two square feet for each [living room](#) of such fractional excess number of [living rooms](#). In every such [dwelling](#) each [living room](#) which is

NEW YORK STATE
MULTIPLE DWELLING LAW

[occupied](#) by three persons or more shall be counted as one additional room for each four hundred cubic feet or fraction thereof in excess of eight hundred cubic feet in the cubic content of such room.

§103. Egress from [apartments](#).

1.
 - a. Except as provided in paragraph b of this subdivision, there shall be at least one means of egress from each [apartment](#) on each and every [story](#) of such [apartment](#), and a second means of egress if the first means is not within fifty feet of every [living room](#) in such [apartment](#) on such [story](#). When two means of egress are required, they shall open from different rooms.
 - b. In any [class A fireproof dwelling](#) or [section](#) thereof erected under plans filed in the [department](#) after September first, nineteen hundred fifty-one, an [apartment](#) occupying parts of not more than two stories shall have at least one means of egress. Such required means of egress shall be not more than forty feet from any room within such [apartment](#) and shall open directly upon a [public hall](#). Such [public hall](#) shall provide access to at least two [fire-stairs](#). Any [stair](#) within an [apartment](#) shall be at least two feet six inches in width and a terminus shall be not more than twenty feet from the door which provides the required egress to a [public hall](#), provided, however, that such [stair](#) within an [apartment](#) shall extend downwards or upwards to the [story](#) which provides the required access to at least two [fire-stairs](#). In the event of but one such means of egress, and if the [stair](#) within the [apartment](#) extends downwards to provide egress to a [public hall](#), there shall be a balcony upon the upper [story](#) of the [apartment](#). If, however, such [stair](#) extends upwards to provide egress to a [public hall](#), the balcony shall be located on the lower [story](#) of the [apartment](#). Such balcony shall provide access from the [apartment](#) to a room of an adjoining [apartment](#) on the same [story](#). Such balcony shall be constructed of incombustible material and be capable of sustaining a load of at least eighty pounds per square foot. Access to such balcony shall not be obstructed by sinks or kitchen fixtures or in any other way, and shall be maintained unobstructed at all times. Bars, gates, grilles or other obstructing devices on any window or door giving access to or egress from such balcony shall be unlawful.
2. Except as otherwise expressly provided in paragraph b of subdivision six of [section one hundred two](#) for certain [dwellings](#) six stories or less in [height](#), at least one [fire-stair](#) shall be within seventy-five feet of at least one means of egress from each [apartment](#) on each [story](#) thereof.
3. When any such [fire-stair](#) serving any [apartment](#) as a required means of egress from the [dwelling](#) opens on the entrance [story](#) of the [dwelling](#) exclusively into an entrance hall, no other [fire-stair](#) serving the same [apartment](#) as a required means of egress from the [dwelling](#) shall open on such [story](#) exclusively into the same entrance hall. Any required [fire-stair](#) not opening on such [story](#) exclusively into an entrance hall shall open on a street or in a yard, court or passageway affording continuous, safe and unobstructed access to a street; but any such required [fire-stair](#) serving any [apartment](#) as a means of egress from the [dwelling](#) may have a supplementary entrance into the same entrance hall as that into which any other [fire-stair](#) serving the same [apartment](#) as a required means of egress from the [dwelling](#) opens exclusively.

NEW YORK STATE
MULTIPLE DWELLING LAW

4. When any [apartment](#) occupies parts or all of three or more stories, every [stair](#) within such [apartment](#) leading to the third or any higher [story](#) of such [apartment](#) shall be enclosed with [fireproof](#) partitions with a [fireproof](#) door and assembly with the door self-closing at the second [story](#) landing of such [stair](#) and at every higher [story](#) landing from which the [stair](#) continues upward within the [apartment](#); or in lieu of such [fireproof](#) partitions and doors at least two means of egress from such [apartment](#) opening from different rooms shall be provided on the first, third and alternate higher stories, if any, of such [apartment](#).
5. No means of egress from any [apartment](#) shall open into any [stair](#), [fire-stair](#) or [fire-tower](#) required under the provisions of this section except through a vestibule or [public hall](#).

§104. Bulkheads.

1. Every [stair](#), [fire-stair](#) and [fire-tower](#) required by this chapter to extend to the level of the roof or to any terrace formed by a setback shall extend to and through a [fireproof](#) bulkhead or other [fireproof](#) enclosure in such roof or terrace approved by the [department](#). Such bulkhead or enclosure shall give unobstructed access at all times to such roof or terrace by means of a [fireproof](#) door and door assembly with the door self-closing. Such a door shall never be self-locking and shall be fastened on the inside by movable bolts, hooks or a lock which does not require a key to open from the inside of the [dwelling](#). [Stairs](#) to a bulkhead or enclosure shall have a handrail. When a [dwelling](#) has a pitched or sloping roof with a pitch or slope of more than fifteen degrees, no bulkhead or [stair](#) leading thereto shall be required.
2. The roof of any penthouse may for the purpose of this section be deemed part of the main roof if unobstructed access be provided and maintained between all required [fire-stair](#) landings on the main roof adjoining such penthouse, on the roof of such penthouse and on the roof of any other penthouse extending above such main roof. Such unobstructed access, where horizontal, shall be by means of a passage at least three feet in clear width. It may include one or more [stairs](#) necessary to provide access from any penthouse roof to any main roof adjoining such penthouse. Such [stairs](#) shall conform to all the requirements of [section fifty-three](#) for stairways of [fire-escapes](#). There shall be a passageway at least four feet in clear width between such [stairs](#) and the parapet wall or guard railing of the main roof.

§105. Separation and ventilation of [stairs](#).

1. In a [dwelling](#) in which one or more passenger elevators are maintained and operated opening upon a [public hall](#) at every [story](#), all [stairs](#), [fire-stairs](#) and [fire-towers](#) shall be completely separated from one another and from every elevator [shaft](#) by [fireproof](#) walls. They shall be constructed of [fireproof](#) material throughout and shall contain no wood or other inflammable material of any kind, except that handrails of hardwood may be provided.
2. Access to [stairs](#), [fire-stairs](#) and [fire-tower](#) balconies from any [public vestibule](#) or other [public hall](#) shall be through [fireproof](#) doors and assemblies, with the doors self-closing and at least three feet wide, or through pairs of such doors at least four feet wide, containing in either case a fixed sash glazed with wire glass at least three hundred sixty square inches in area.
3. Every [stair](#) hall shall be ventilated by a window, or by movable louvres in the skylight having an opening of at least one hundred forty-four square inches, or by an opening of at least one hundred forty-four square inches near the top of the [stair shaft](#) and communicating directly with the outer air. If a window is provided which does not open upon a street or yard, it shall be [fireproof](#) and glazed with wire glass of good quality and have no pane more than three hundred sixty square inches in area.

NEW YORK STATE
MULTIPLE DWELLING LAW

§106. Cellar and basement stairs.

A cellar or basement stair may be located inside the dwelling, but shall not be located underneath a stair leading to the upper stories unless it is a basement stair leading upward from a basement which is the main entrance story of the dwelling, or unless it is a stair leading downward from the entrance story which is separated by a fireproof arch from the stair leading upward from the entrance story. Except as otherwise provided in subdivision five of section fifty-two, all inside cellar or basement stairs shall be entirely enclosed with fireproof walls and be provided with fireproof doors and assemblies, with the doors self-closing, at all openings.

§107. Public halls.

1. Every public vestibule or other public hall shall comply either with the provisions of section one hundred forty-nine for non-fireproof multiple dwellings, so far as applicable, or with the provisions of subdivision two of this section, except that the provisions as to ventilation shall not apply to any part of an entrance hall within sixty feet in a straight line from an entrance door.
2. If such a dwelling does not comply with the applicable provisions of section one hundred forty-nine, it shall comply with all of the following:
 - a. Every public vestibule or hall shall be everywhere at least three feet eight inches in clear width.
 - b. Every such public vestibule or hall shall be separated from all other parts of the dwelling by fireproof walls.
 - c. All openings from such a public vestibule or hall to stairs, fire-stairs, fire-tower balconies, shafts, apartments or suites of rooms shall be protected by fireproof doors and assemblies, with the doors self-closing, except that such doors and assemblies shall not be required in any fireproof class B multiple dwelling for any apartment consisting of one room opening directly upon a public hall or for any apartment of three rooms or less in a college or school dormitory.
 - d. Such a public vestibule or hall shall not be required to have a window, but if it does not have a window opening to the outer air it shall be equipped for artificial lighting and be properly lighted at all times.
 - e. Except for that part of an entrance hall within sixty feet in a straight line from an entrance door such a public vestibule or hall without a window to the outer air shall be ventilated to the outer air by means of gravity vent flues at least twelve inches in each dimension or by mechanical means approved by the department. There shall be at least one vent flue opening of at least twelve inches in each dimension for each one thousand cubic feet of air content of such public vestibule or hall. Such vent flues shall be continuous for the height of the dwelling and the openings at each story shall be equipped with fire dampers held open by a fusible link at each opening and properly hooded or provided with louvres at the top above the roof.
 - f. If a window to the outer air is provided in any such public vestibule or hall, such vestibule or hall shall nevertheless be ventilated as provided in paragraph e, except that if such a window has a glazed area of at least twelve square feet and at least one tenth of the superficial floor area of the vestibule or hall, readily accessible to the outer air to the extent of at least five and one-half square feet of its area, no vent flues need be provided within a distance of forty feet from each side of such window.

NEW YORK STATE
MULTIPLE DWELLING LAW

3. The requirements of this section as to ventilation shall apply to all parts of an entrance hall more than sixty feet distant in a straight line from an entrance door, to all returns or recesses that lead to elevators and extend farther from the hall which they adjoin than four times their width, and to all other returns or recesses from entrance halls that extend farther than their width.
4. Any part of a [public hall](#) that is shut off from any other part of such hall by a door or doors shall be deemed a separate hall.

§108. Partitions.

All partitions shall rest directly upon the [fireproof](#) floor construction and never upon any wood flooring, and shall extend to the [fireproof](#) construction of the floor or roof above.

**TITLE 2
SANITATION**

§115. Interior water-closets and bathrooms.

Interior water-closet compartments and bathrooms contained in [fireproof multiple dwellings](#) shall comply with the applicable provisions of [section seventy-six](#).

§116. Water-closets in certain [class B multiple dwellings](#).

Water-closets contained in certain [class B multiple dwellings](#) shall comply with the applicable provisions of [section seventy-six](#).

§117. Employees' water-closets.

Water-closet compartments provided for domestic servants of tenants in [multiple dwellings](#) shall comply with the applicable provisions of [section seventy-six](#).

**TITLE 3
CERTAIN [CLASS A MULTIPLE DWELLINGS](#) ERECTED PRIOR TO DECEMBER
15, 1961**

§120. Use of [dwelling](#) units in a [class A multiple dwelling](#) for other than permanent residence purposes.

1. Notwithstanding any other provision of law to the contrary, within a [class A multiple dwelling](#) to which this article is applicable the use of [dwelling](#) units as a [hotel](#) for other than permanent residence purposes, as defined in paragraph a of subdivision eight of [section four](#) of this chapter, that would otherwise be prohibited shall be permitted to continue for a period of two years after the effective date of this section provided that:
 - a. such [dwelling](#) units were used for other than permanent residence purposes on January first, two thousand nine and on the effective date of this subdivision and fifty-one percent or more of the total number of [dwelling](#) units in such [dwelling](#) were used for other than permanent residence purposes on such dates;
 - b.
 - (1) such [dwelling](#) was initially constructed as and identified on its initial certificate of occupancy as "apartment hotel" or "class A hotel" and [occupied](#) as a hotel for other than permanent residence purposes on December fifteenth, nineteen hundred sixty-one or, if such [dwelling](#) was under construction and not yet complete on such date, was [occupied](#) as a [hotel](#) for other than permanent residence purposes at the time the [dwelling](#) was completed, or

NEW YORK STATE
MULTIPLE DWELLING LAW

- (2) such [dwelling](#) is in zoning district C5 as designated in the New York city zoning resolution and was initially constructed as a [hotel](#) for other than permanent residence purposes prior to December fifteenth, nineteen hundred sixty-one and [occupied](#) as a

NEW YORK STATE
MULTIPLE DWELLING LAW

- [hotel](#) for other than permanent residence purposes on December fifteenth, nineteen hundred sixty-one, or
- (3) such dwelling
- (A) is within twelve hundred feet of zoning district C5 as designated in the New York city zoning resolution,
- (B) was initially constructed as a [hotel](#) for other than permanent residence purposes in accordance with a permit that was issued prior to December fifteenth, nineteen hundred sixty-one, and
- (C) was completed after December fifteenth, nineteen hundred sixty-one and was initially [occupied](#) as a [hotel](#) for other than permanent residence purposes;
- c. such [dwelling](#) is of [fireproof](#) construction and was of [fireproof](#) construction on January first, two thousand nine;
- d. such [dwelling](#) units used for other than permanent residence purposes have at least two lawful means of egress, including exit [stairs](#), [fire towers](#) or exterior [stairs](#) but excluding [fire escapes](#) and had such lawful means of egress on January first, two thousand nine;
- e. such [dwelling](#) has operational exist signs and a fire alarm system complying with the provisions for existing transient occupancies in accordance with local law and had such exit signs and fire alarm system on January first, two thousand nine; and
- f. such [dwelling](#) units used for other than permanent residence purposes are registered with the [department](#) within one hundred eighty days after the effective date of this section in a form and manner to be provided by such department, including a requirement that the applicant submit certification of compliance with paragraphs d and e of this subdivision, signed and sealed by a registered architect or licensed professional engineer in good standing under the education law. The [department](#) may assess fees to cover all costs associated with such registration. The [department](#) may refuse to register [dwelling](#) units or may revoke such registration if it determines such [dwelling](#) units or [dwelling](#) do not comply with the conditions for registration set forth in paragraphs a through e of this subdivision.
2. The [owner](#) shall obtain a certificate of occupancy for the use of registered [dwelling](#) units for other than permanent residence purposes within two years after the effective date of this section. Upon application prior to the expiration of such two year period, the [department](#) may, for good cause, extend such time for up to one additional year but no such extension shall be granted unless the [department](#) finds that:
- a. the [owner](#) has obtained the necessary permit or permits for all work necessary to bring such [dwelling](#) into compliance with the requirements of this chapter and all local housing, building and fire codes for the use of [dwelling](#) units for other than permanent residence purposes;
- b. all construction authorized by such permit or permits has been substantially completed; and
- c. there are no considerations of public safety, health and welfare that have become apparent since the issuance of the above described permit or permits that indicate an overriding benefit to the public in enforcing the requirement that the applicant obtain a certificate of occupancy for the use of registered [dwelling](#) units for other than permanent residence purposes within two years after the effective date of this section.
3. Upon application prior to the expiration of the time for obtaining a certificate of occupancy, as extended by the [department](#) pursuant to subdivision two of this section, the board of

NEW YORK STATE
MULTIPLE DWELLING LAW

standards and appeals may grant a further extension of time to obtain a certificate of occupancy in a case where there are circumstances beyond the applicant's control or hardship in the way of obtaining such certificate within the time allowed by the [department](#) but no more than one such extension of fifteen months shall be granted for a building and no such extension shall be granted unless the board finds that there are no outstanding building or fire code violations of record at the property.

4. The [department](#) shall issue such certificate of occupancy upon proof that said [dwelling](#) conforms in all respects to the requirements of this chapter and all local housing, building and fire codes for the use of [dwelling](#) units for other than permanent residence purposes. If no such certificate of occupancy is issued within two years after the effective date of this section or, if applicable, within the time as extended by the [department](#) or as further extended by the board of standards and appeals, all use of [dwelling](#) units for other than permanent residence purposes shall thereafter cease.
5. If after a certificate of occupancy is issued pursuant to subdivision four of this section, the use of such [dwelling](#) units for other than permanent residence purposes is discontinued, nothing in this section shall be construed to limit the application of the local zoning resolution with respect to such discontinuance.

§121. Prohibiting advertising that promotes the use of [dwelling](#) units in a [class A multiple dwelling](#) for other than permanent residence purposes.

1. It shall be unlawful to advertise occupancy or use of [dwelling](#) units in a [class A multiple dwelling](#) for occupancy that would violate subdivision eight of [section four](#) of this chapter defining a "class A" [multiple dwelling](#) as a [multiple dwelling](#) that is [occupied](#) for permanent residence purposes.
2. Any person found to have violated the provisions of subdivision one of this section shall be liable for the civil penalty of not more than one thousand dollars for the first violation, five thousand dollars for the second violation and seven thousand five hundred dollars for the third and subsequent violations.
3. For the purposes of this section, the term "**advertise**" shall mean any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media including, but not limited to, newspapers, magazines, flyers, handbills, television commercials, radio, signage, direct mail, websites or text messages.
4. Notwithstanding the provisions of [section three hundred three](#) of this chapter, in a city with a population of one million or more the provisions of this section shall be enforced by the mayor's office of special enforcement.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 5

NON-FIREPROOF MULTIPLE DWELLINGS

§140. Application of article five.

The provisions of this article shall apply to non-fireproof multiple dwellings erected after April eighteenth, nineteen hundred twenty-nine, and to such dwellings only. They shall apply to all such non-fireproof dwellings unless their application is expressly limited to dwellings of a particular class. They shall apply in addition to, and not in substitution for, the provisions of article three. However the provisions of this article shall not apply to a multiple dwelling three stories or less in height to be occupied by not more than three families in all, with a maximum occupancy of two families on each floor in a two story building and one family on each floor in a three story building, provided however that all the provisions of article six are complied with, including section one hundred seventy-a of said article.

TITLE 1
FIRE PROTECTION

§141. Height.

Any such dwelling which is seventy-five feet or less in height above the curb level and has six stories or less may be of non-fireproof construction.

§142. Sub-curb uses.

1. When such a dwelling is more than eighty feet in height measured from the lowest point of the yard or of any curb on which any part of the dwelling faces, whichever is lower, and any room in such dwelling below the level of the highest curb which any part of such dwelling faces is occupied for living purposes as permitted in paragraph f of subdivision one of section thirty-four, the yard at the level of such highest curb shall be set back so as to be at least eight feet greater in depth than the yard below such level unless the yard opens directly upon a street.
2. If such a dwelling is erected upon an interior lot running through from street to street, the wall of the dwelling facing the lowest street shall, at the level of the highest curb on which any part of such dwelling faces, be set back at least eight feet.
3. The setback of the yard or wall required by each of the two preceding subdivisions shall be a fire-terrace. Nothing herein contained shall be construed to permit a yard of smaller dimensions below the level of such fire-terrace than required by paragraph f of subdivision one of section thirty-four.
4. From each apartment below the level of such highest curb at least one means of egress shall lead directly to such fire-terrace in a manner approved by the department. Such fire-terrace shall be protected by a guard railing approved by the department, and shall afford safe and unobstructed access either directly to a street or to a covered fireproof passage at least three feet in width and seven feet in height leading directly and without obstruction to a street.
5. In all portions of such dwellings below the level of the highest curb all structural members, partitions, furrings and ceilings shall be constructed of incombustible materials.
6. Apartments may also be occupied for living purposes in cellars and basements in accordance with the provisions of subdivision six of section thirty-four.

§143. Construction of first floor.

NEW YORK STATE
MULTIPLE DWELLING LAW

1. The first floor above the lowest [cellar](#), or, if there be no [cellar](#), above the lowest [story](#), shall be [fireproof](#) or, if the [dwelling](#) be three stories or less in [height](#), [fire-retarded](#). Said first floor shall be unpierced except for a [stair](#) leading to a [cellar](#) as provided in [section one hundred fifty](#), for lawful pipes, conduits and ducts and for dumbwaiter and elevator [shafts](#). Any such dumbwaiter and elevator [shafts](#) shall be equipped at all openings below the said first floor with [fireproof](#) doors and assemblies with the doors self-closing.
2. Whenever the lowest [cellar](#) does not extend over more than half the area of the [dwelling](#), that portion of the first floor directly over such [cellar](#) and the entire second floor above such [cellar](#) shall be constructed as in this section prescribed for the first floor above the lowest [cellar](#). Whenever the lowest [cellar](#) extends over more than half, but not all, of the area of the [dwelling](#), only that portion of the first floor directly over such [cellar](#) need be constructed as in this section prescribed for the first floor above the lowest [cellar](#).

§144. Egress from [dwellings](#).

1. A [dwelling](#) three or more stories in [height](#) shall have at least two means of egress extending to the roof from an entrance [story](#), street, court or yard. The entrances to such means of egress at every [story](#) shall be at least fifteen feet distant from each other unless they are on opposite sides of a [public hall](#). One means of egress shall be a [stair](#) constructed as provided in [section one hundred forty-eight](#). The other means of egress shall be either another such [stair](#) or a [fire-escape](#) constructed as provided in [section fifty-three](#).
2. If the number of [living rooms](#) on any [story](#), or in any [section](#) of any [story](#), above the entrance [story](#) exceeds twenty, there shall be an additional [stair](#), or [fire-stair](#), extending from the entrance [story](#) to the roof for each twenty rooms or fraction thereof on such [story](#) or [section](#) thereof in excess of twenty, except that no additional [stair](#), or [fire-stair](#), shall be required for such excess on any [story](#) or [section](#) thereof if the number of [living rooms](#) thereon does not exceed thirty and if in addition one [stair](#) serving such [story](#) or [section](#) and every entrance hall or other [public hall](#) connected therewith are everywhere four feet six inches or more in clear width.
3. There shall be accessible from every [apartment](#) two means of egress from the [dwelling](#), one of which shall be a [stair](#) within fifty feet from a means of egress from such [apartment](#). For such [dwellings](#) erected under plans filed in the [department](#) after September first, nineteen hundred fifty-one, such [stair](#) shall also be enclosed and comply with the provisions of [section one hundred forty-eight](#).
4. Whenever more than two [stairs](#) are required, one or more of such [stairs](#) may be [fire-stairs](#) or [fire-towers](#), provided that there shall never be more than one such [fire-stair](#) or [fire-tower](#) for each two other required [stairs](#).

§145. [Fire-escapes](#).

Every [fire-escape](#) shall be located, arranged, constructed and maintained as provided in [section fifty-three](#).

§146. Egress from [apartments](#).

1. There shall be at least two means of egress from every [apartment](#) or suite. Such means shall be remote from each other. Except where it opens into a [stair](#) as permitted in subdivision three, one means shall be to a [public hall](#) connecting with a [stair](#), [fire-stair](#) or [fire-tower](#), not more than fifty feet distant from such means. In [dwellings](#) erected under plans filed in the [department](#) after September first, nineteen hundred fifty-one, such [stair](#), [fire-stair](#) or fire-

NEW YORK STATE
MULTIPLE DWELLING LAW

tower shall be enclosed. The other required means of egress shall open either directly upon a [fire-escape](#) or directly on a [fire-tower](#) balcony or a [public vestibule](#) or other [public hall](#) connecting with a [stair](#), [fire-stair](#) or [fire-tower](#) balcony.

2. Except as hereinafter provided for [dwellings](#) two stories or less in [height](#) such balcony, vestibule, hall or [stair](#) shall be separated from the [public hall](#) or [stair](#) on which the first means of egress opens by a [fireproof](#) wall, unpierced unless by an opening equipped with a [fireproof](#) door and assembly with the door self-closing. Such door shall not be held open by any device whatever. In a [dwelling](#) two stories or less in [height](#), the separating wall may be [fire-retarded](#) on both sides in lieu of being [fireproof](#).
3. In a [dwelling](#) three stories or less in [height](#) and [occupied](#) by four [families](#) or less on each [story](#), and in any [section](#) of a [class A dwelling](#) which is two stories or less in [height](#) and [occupied](#) by four [families](#) or less on each [story](#), a means of egress from an [apartment](#) may open directly into a [stair](#) without the intervention of a [public hall](#).

§147. Bulkheads and scuttles.

1. Except as otherwise provided in subdivision two of this section, every required [stair](#), [fire-stair](#) and [fire-tower](#) in [dwellings](#) three stories or more in [height](#) shall have a bulkhead constructed as provided for [fireproof dwellings](#) in [section one hundred four](#), except that the bulkhead of any required [stair](#) which is not required to be [fireproof](#) may be built of wood covered on the outside with twenty-six gauge metal and on the inside with wire or metal lath covered with two coats of cement plaster or other fire-retarding material approved by the [department](#).
2. Such a [dwelling](#) which is two stories or less in [height](#), or is three stories in [height](#) and erected pursuant to plans filed with the [department](#) on or after May first, nineteen hundred fifty-nine and [occupied](#) by not more than one [family](#) on each [story](#), shall be provided at each required [stair](#), [fire-stair](#) or [fire-tower](#) either with such a bulkhead or with a scuttle at least two feet by three feet in size, located in the ceiling of the [public hall](#) on the top [story](#) and so arranged as to provide direct and uninterrupted access to the roof. Every such scuttle shall be arranged to be readily opened, shall be covered on the outside with metal and shall be provided with [stairs](#) or a stationary iron ladder or ladders leading thereto and easily accessible to all the tenants of the [dwelling](#).
3. No bulkhead or other superstructure on the roof shall be used for human occupancy.
4. When a [dwelling](#) has a pitched or sloping roof with a pitch or slope of more than fifteen degrees, no bulkhead or scuttle or [stair](#) or ladder leading thereto shall be required.

§148. Public stairs.

1. Every [stair](#), [fire-stair](#) and [fire-tower](#) shall, except as otherwise provided in subdivisions three and four of this section and [section one hundred forty-nine](#), be constructed as provided for [fire-stairs](#) in sections [one hundred two](#) and [one hundred five](#) for [fireproof dwellings](#).
2. Every [stair](#), [fire-stair](#) and [fire-tower](#) shall be at least three feet in clear width throughout, and at all floor levels shall have landings at least three feet six inches in clear width.
3. Every [stair](#), [fire-stair](#) and [fire-tower](#) shall be completely separated from every other [stair](#), [fire-stair](#) and [fire-tower](#) and from every [public hall](#) and [shaft](#) by [fireproof](#) walls, with [fireproof](#) doors and assemblies, with the doors self-closing and without transoms, at all openings, except that in [dwellings](#) two stories or less in [height](#) such walls may be [fire-retarded](#) on both

NEW YORK STATE
MULTIPLE DWELLING LAW

sides in lieu of being [fireproof](#). The doors giving access to such [stairs](#) shall not be held open by any device whatever.

4. Except in the case of an interior enclosed [stair](#) separated from and directly accessible to the [public hall](#) by a self-closing [fireproof](#) door and except as provided in subdivision five, there shall be provided to light and ventilate every [stair](#) at every [story](#) a window or windows opening on a street, court, yard or space above a setback. At least one such window shall be at least two feet six inches wide and five feet high unless it opens on a street, in which case its minimum [height](#) shall be four feet. The aggregate area of such window or windows at each [story](#) shall be at least eighteen square feet. On the top [story](#) a ventilating skylight may be substituted for a window. At the entrance [story](#) or at the roof level a sash door, such as described in [section thirty-five](#), opening to the outer air may be substituted for such window.
5. In a [dwelling occupied](#) by two [families](#) or less on every [story](#):
 - a. If such [dwelling](#) is three stories or less in [height](#), there may be provided for any [stair](#), in lieu of windows, a stairwell sixteen inches or more in clear width extending from the entrance [story](#) to the roof.
 - b. If such [dwelling](#) is a class A [dwelling](#) and is two stories or less in [height](#), there may be provided for any [stair](#), in lieu of windows, a stairwell six inches or more in clear width. For the purposes of this paragraph a [section](#) of a [class A multiple dwelling](#) may be deemed a separate [multiple dwelling](#).
 - c. If such [dwelling](#) is two stories in [height](#) and has no [public hall](#) on the first [story](#), no stairwell or [stair](#) windows need be provided.

§149. [Public halls.](#)

1. Every [public hall](#) shall be everywhere at least three feet in clear width.
2. Every [public hall](#) shall be completely enclosed with [fireproof](#) floor, ceiling and walls, and, in [dwellings](#) erected under plans filed in the [department](#) after September first, nineteen hundred fifty-one, such hall shall be separated from every [stair](#) by [fireproof](#) partitions or walls. All doors and their assemblies opening from such hall or [stairs](#) shall be [fireproof](#), with the doors self-closing and without transoms, except that in a [dwelling](#) three stories or less in [height occupied](#) by not more than four [families](#) on each [story](#), or in a [class A dwelling](#) or any [section](#) thereof two stories or less in [height](#), any such hall which furnishes access to only one [stair](#) need not be separated from such [stair](#) by any partition or door and the walls of a [public hall](#) may be [fire-retarded](#) and the floors may be provided with three inches or more of incombustible deafening materials between the beams instead of being [fireproof](#).
3. Except in [dwellings](#) three stories or less in [height](#) and [occupied](#) by two [families](#) or less on every [story](#), and except as provided in subdivisions four to seven inclusive, every [public hall](#) shall have at least one window opening directly upon a street or upon a lawful yard or court. There shall be such a window at the end of each such hall and at right angles to its length, with an additional window in each forty feet of hall or fraction thereof beyond the first sixty feet from such end window; or the hall shall have one window opening directly upon a street or upon a lawful yard or court in every forty feet of its length or fraction thereof measured from one end of the hall.
4. When the length of any recess or return off a [public hall](#) does not exceed twice the width of such recess or return, no window shall be required therein. But whenever the length of a recess or return exceeds twice its width, there shall be an additional window or windows

NEW YORK STATE
MULTIPLE DWELLING LAW

meeting the requirements for a separate [public hall](#). No entrance hall shall have a return or recess which exceeds in length twice its width.

5. The foregoing provisions of this section with regard to lighting and ventilation shall not apply to a vestibule or other [public hall](#) which serves as a means of access from one or more [apartments](#) opening thereon to a [fire-stair](#) or [fire-tower](#) meeting the requirements of [section one hundred forty-four](#) if such vestibule or [public hall](#) is lighted and ventilated as required for [fireproof dwellings](#) by sections [thirty-seven](#) and one hundred seven.
6. The foregoing provisions of this section with regard to lighting and ventilation shall not apply to that portion of an entrance hall between the first flight of [stairs](#) and the entrance provided the entrance door contains five square feet or more of glazed surface or such entrance hall does not extend from the outer entrance of the [dwelling](#) more than sixty feet.
7. A passenger elevator vestibule not exceeding in length twice the parallel length of the elevator [shaft](#) or [shafts](#) opening into it need not be equipped with a window if it conforms to the requirements of sections [thirty-seven](#) and [one hundred seven](#) for [public halls](#) in [fireproof multiple dwellings](#). Every door and its assembly separating such a vestibule from any [public hall](#) connected with a [stair](#), [fire-stair](#) or [fire-tower](#) shall be [fireproof](#), with the door self-closing and glazed with good quality wire glass ten square feet or more in area. No such door shall be kept open by any device whatever.
8. Any part of a [public hall](#) that is shut off from any other part of such hall by a door or doors shall be deemed a separate hall.

§150. [Cellar](#) and [basement stairs](#).

1. Except as otherwise provided in this section, there shall be no inside [stair](#) communicating between the lowest [cellar](#) or the lowest [story](#), if there be no [cellar](#), and the floor next above, but any [stair](#) communicating between such floors shall be located outside the [dwelling](#) and if enclosed shall be [fireproof](#) in a [fireproof](#) enclosure with [fireproof](#) doors and door assemblies, with the doors self-closing, at all openings.
2. This provision, however, shall not apply to any [stair](#) not extending through more than one [story](#) and leading from an entrance hall to the upper stories where the walls enclosing such hall are [fireproof](#) and unpierced except for openings to [stairs](#), elevators, [apartments](#), public reception rooms, professional offices and the outer air. In no event shall there be any other opening from such an entrance hall, and all [apartments](#) and such professional offices opening therefrom shall be entirely separated from any space within such [dwelling](#) used for any other purposes by [fireproof](#) walls which shall be unpierced except for means of egress into the entrance hall. The provisions of this subdivision shall not apply to openings which are protected with [fireproof](#) vestibules. Any such vestibule shall have a minimum superficial floor area of fifty square feet and its maximum area shall not exceed seventy-five square feet. It shall be enclosed with incombustible partitions having a fire-resistive rating of three hours. The floor and ceiling of such vestibule shall also be of incombustible material having a fire-resistive rating of at least three hours. There shall be two doors to provide access from the entrance hall and any other space not used for openings to [stairs](#), elevators, [apartments](#), public reception rooms and the outer air. Each such door shall have a fire-resistive rating of one and one-half hours and shall be provided with a device to prevent the opening of one door until the other door is entirely closed. One of these doors shall swing into the vestibule from the entrance hall and the other shall swing from the vestibule into space which it serves. Such vestibule shall also be equipped with sprinklers and with an independent exhaust duct

NEW YORK STATE
MULTIPLE DWELLING LAW

having a minimum cross-sectional area of one hundred forty-four square inches for each one thousand cubic feet, or fraction thereof, of air content, and such exhaust duct shall not be connected with any other ventilating system.

3. In [dwellings](#) three stories or less in [height](#) which are [occupied](#) by two [families](#) or less on every [story](#), any [stair](#) leading to the [cellar](#) may be located inside the [dwelling](#) provided it is entirely enclosed with [fireproof](#) walls and with [fireproof](#) doors and door assemblies at both the [cellar](#) level and the [story](#) above, with the doors self-closing.
4. The provisions of subdivision one shall not prohibit or apply to an inside [stair](#) extending from a space used for commercial purposes in the [cellar](#) or lowest [story](#) to a store on the [story](#) next above, provided such [stair](#) is of incombustible materials, has closed risers, is enclosed between the two lowest floors with walls having a three-hour fire resistive rating and has [fireproof](#) doors and door assemblies at top and bottom, with the doors self-closing, and provided such commercial space in the [cellar](#) or lowest [story](#) is completely enclosed with partitions having a fire-resistive rating of at least two hours and there is no opening between the store on the [story](#) next above and any entrance hall or other [public hall](#) or public portion of the [dwelling](#).

§151. Spaces under [stairs](#).

1. It shall be unlawful to have a closet of any kind under any public [stair](#).
2. The space beneath every [stair](#) from the foot of the [stair](#) to a point where the soffit is four feet or more above the floor shall be entirely enclosed with unpierced [fire-retarded](#) partitions. Such enclosure beneath a flight of public [stairs](#) leading from the entrance [story](#) to the [story](#) next above shall be [fireproof](#).
3. Any unenclosed portion of the space beneath a flight of public [stairs](#) leading from the entrance [story](#) to the [story](#) next above shall be left entirely open and kept clear and free from encumbrance.

§152. [Fire-stopping](#).

1. In every wall where wooden furring is used every course of masonry from the under side to the top of any floor beams shall project a distance of at least two inches beyond each face of the wall that is not on the outside of the [dwelling](#); and whenever floor beams run parallel to a wall and wooden furring is used, every such beam shall always be kept at least two inches away from the wall, and the space between the beams and the wall shall be built up solidly with brickwork from the under side to the top of the floor beams.
2. Whenever a wall is studded off, the space between an inside face of the wall and the studding at any floor level shall be fire-stopped. Every space between beams directly over a studded-off space shall be fire-stopped by covering the bottom of the beams with metal lath and plaster and placing a loose fill of incombustible material at least four inches thick on the plaster between the beams, or hollow-burned clay tile or gypsum plaster partition blocks, at least four inches thick in either case and supported by cleats, shall be used to fill the spaces between beams.
3. Partitions which are not parallel with the wood floor beams and which separate one [apartment](#) or suite from another or any part of an [apartment](#) or suite from a [public hall](#) or other part of the [dwelling](#) outside the [apartment](#) or suite shall be filled in solidly with incombustible material between the floor beams from the plate of the partition below to the full [depth](#) of the floor beams.

NEW YORK STATE
MULTIPLE DWELLING LAW

4. If a [dwelling](#) is within ten feet of another non-fireproof building or of a side [lot](#) line, such [dwelling](#) shall have its eaves or cornices built up solidly with masonry.
5. The wooden frames in any cornice on any row of buildings shall be separated between buildings by a complete fire-stop.
6. Every space between [stair](#) carriages of any non-fireproof [stair](#) shall be fire-stopped by a header beam at top and bottom. Where a [stair](#) run is not all in one room or open space, the [stair](#) carriages shall have an intermediate firestop, so located as to cut off communication between portions of the [stair](#) in different rooms or open spaces. The underside and stringers of every unenclosed [stair](#) of combustible material shall be [fire-retarded](#).
7. All partitions required to be [fire-retarded](#) shall be fire-stopped with incombustible material at floors, ceilings and roofs. [Fire-stopping](#) over partitions shall extend from the ceiling to the underside of any roofing above. Any space between the top of a partition and the underside of roof boarding shall be completely fire-stopped.

**TITLE 2
SANITATION**

§160. Water-closets.

Water-closet compartments in class B [non-fireproof multiple dwellings](#) shall comply with the applicable provisions of [section seventy-six](#).

ARTICLE 5-A

GARDEN-TYPE MAISONETTE DWELLING PROJECTS

§161. Application of article five-A.

The provisions of this article shall apply to [garden-type maisonette dwelling](#) projects erected under plans filed with the [department](#) on or after April eighteenth, nineteen hundred fifty-four. They shall apply to all such [dwellings](#) unless their application is expressly limited to [dwellings](#) of a particular class. They shall apply in addition to, and not in substitution for, the provisions of [article three](#). Such [dwellings](#) need not comply with the provisions of sections [twenty-eight](#), [thirty-five](#), [thirty-six](#), [fifty](#), [fifty-four](#), and [sixty-five](#), or with articles [four](#), [five](#), [six](#) or [seven](#) of this chapter, but such [dwellings](#) shall comply with all of the provisions of the building code applicable to residential buildings of this type and kind. A [garden-type maisonette dwelling](#) project, which is erected in accordance with the applicable provisions of this chapter for [fireproof](#) or [non-fireproof dwellings](#) other than the provisions of this [article five-A](#), shall not be required to comply with the provisions of this article.

§162. Single ownership.

The [owner](#) of any site or plot upon which a [garden-type maisonette dwelling](#) project is proposed to be erected shall execute and file in the office of the recording officer in the county where deeds of conveyances are recorded an instrument in writing which shall declare that, so long as any of the buildings proposed to be erected remain standing, a conveyance of any part or parts of such project shall, thereupon, cause all the buildings on such site or plot to be and become unlawful [structures](#), and any prior certificate of occupancy issued for such [structures](#) shall thereupon become void. Nothing in this section shall be deemed to prohibit the sale of any part of such project, provided, however, that the part which is so conveyed and the remaining part of the project shall be made to comply to all of the applicable provisions of this chapter.

NEW YORK STATE
MULTIPLE DWELLING LAW

§163. Construction and arrangement.

Garden-type maisonette dwelling projects may be erected on condition that they comply with the following provisions:

1. The dwelling units in such projects, together, or in their aggregate, do not exceed in superficial area thirty-five per centum of the area of the site or plot upon which such projects are erected.
2. The units in such projects do not exceed two stories in height.
3. Each section contains not more than two apartments in any unit.
4. Every one or two-family unit is separated from all other such units by an unpierced partition constructed of materials having a fire-resistive rating of at least one hour and such partition extends from the first floor above the basement or cellar of the dwelling to the top of the roof boards in such manner as to prevent the passage of fire, smoke or gases between units.
5.
 - a. A project section shall not be constructed of units which, together, are of a greater area than three thousand square feet unless divided by unpierced fire walls of masonry or other materials having a fire-resistive rating of at least three hours. Such wall shall be continuous from the floor of the lowest level of the dwelling to the top of the roof boards and be fire-stopped at floors and roof in such manner as to prevent the passage of fire, smoke or gas between areas.
 - b. Fire walls shall extend at least two feet above the level of the finished roof or, in lieu thereof, where there is a peaked or sloped roof, the ceiling of the attic of all units comprising such section shall be covered with gypsum plaster-boards three-eighths of an inch in thickness or with other materials having the same fire-resistive rating.
6. The facing of the exterior walls shall be of brick veneer not less than four inches in thickness or may be of one or a combination of other materials; and the interior facing of such walls shall be covered with one-half-inch thick plaster boards and three-eighths-inch thick sanded gypsum plaster or a combination of other materials which, when combined with the exterior materials shall have a fire-resistive rating of at least one hour.
7. Cellar ceilings throughout shall be covered with gypsum plaster boards three-eighths of an inch in thickness or with other materials having the same fire resistive rating. A heating plant located within a section shall be completely enclosed with incombustible materials having a fire resistive rating of at least three hours and all openings therefrom to other parts of the dwelling shall be equipped with fire-proof doors and assemblies with the doors self closing.
8. Concealed vertical and horizontal draft openings shall be fire-stopped with incombustible materials.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 6
CONVERTED DWELLINGS

§170. Application of article six and other provisions to converted dwellings.

The provisions of this article shall apply to converted dwellings and to such dwellings only. They shall apply to all converted dwellings unless their application is expressly limited to dwellings of a particular class. The following enumerated articles and sections shall also apply to all converted dwellings unless so limited:

Article	<u>1. Introductory provisions; definitions.</u> <u>2. Miscellaneous application provisions.</u> <u>7-a. Temporary provisions.</u> <u>8. Requirements and remedies.</u> <u>9. Registry of names and service of papers.</u> <u>10. Prostitution.</u> <u>11. Laws repealed; saving clause; legislative intent; effect.</u>
Sec.	<u>28. Two or more buildings on same lot</u> <u>29. Painting of courts and shafts</u> <u>31. Size of rooms--- subdivision six</u> <u>35. Entrance doors and lights</u> <u>37. Artificial hall lighting</u> <u>52. Stairs</u> <u>55. Wainscoting</u> <u>56. Frame buildings and extensions</u> <u>57. Bells; mail receptacles</u> <u>58. Incombustible materials</u> <u>59. Bakeries and fat boiling</u> <u>60. Motor vehicle storage</u> <u>61. Business uses</u> <u>62. Parapets, guard railings and wires--- subdivision two</u> <u>75. Water supply</u> <u>76. Water-closet and bath accommodations</u> <u>77. Plumbing and drainage</u> <u>78. Repairs</u> <u>79. Heating</u> <u>80. Cleanliness</u> <u>81. Receptacles for waste matter</u> <u>83. Janitor or housekeeper</u>

§170-a.

Notwithstanding any other provision of this chapter, a dwelling, other than a frame dwelling, three stories or less in height erected after April eighteenth, nineteen hundred twenty- nine as a one or two-family dwelling may be converted to a multiple dwelling to be occupied by not more than three families in all, with a maximum occupancy of two families on each floor in a two story building and one family on each floor in a three story building, provided however that all the provisions of this article are complied with and provided further that

1. No part of such dwelling shall be used for business purposes.

NEW YORK STATE
MULTIPLE DWELLING LAW

2. No part of such [dwelling](#) shall be arranged, designed for or [occupied](#) by roomers, boarders or lodgers.
3. The [public hall](#) or [stair](#) partitions and soffit of [stairs](#) shall be [fire-retarded](#) and said partitions fire-stopped. The [apartment](#) entrance doors and door assemblies in such hall shall be fire-proof and self-closing.
4. The required [stairs](#) shall comply with the provisions of subdivision three of [section fifty-two](#) of this chapter.
5. No door opening shall be permitted from a garage within the building to the [stair](#) hall or [public hall](#). However, any other opening to the residential portion shall be provided with a fire-proof self-closing door, and the door assemblies shall be fire-proof.
6. The [cellar](#) shall not be used for any purpose other than household storage and mechanical equipment or appliances, and the [cellar](#) ceiling shall be [fire-retarded](#).

§171. Alterations.

1. A building, other than a frame building, originally [occupied](#) as a [one-family](#) or [two-family dwelling](#) may be altered to a [converted dwelling](#) if its bulk and volume has not been increased since April eighteenth, nineteen hundred twenty-nine, and if it is converted in conformity with the other provisions of this article.
2. Except as permitted in subdivision nine of [section nine](#) and subdivision six of [section one hundred seventy-two](#), it shall be unlawful:
 - a. To increase the [height](#) or number of stories of any [converted dwelling](#) or to increase the [height](#) or number of stories of any building in converting it to a [multiple dwelling](#).
 - b. To reduce the room or window area of any [converted dwelling](#) or make any other [alteration](#) therein if such [alteration](#) decreases the light, ventilation, fire protection or sanitation thereof.
 - c. To convert to a [multiple dwelling](#) any [dwelling](#) which exceeds six stories in [height](#) unless it was [occupied](#) as a [multiple dwelling](#) on April fifteenth, nineteen hundred thirty;
 - d. To convert any [dwelling](#) to a [class A multiple dwelling occupied](#) by five [families](#) or more upon any [story](#) unless such [dwelling](#) is [fireproof](#) or is converted in conformity with the requirements of subdivision three or was [occupied](#) as a [class A multiple dwelling](#) on April fifteenth, nineteen hundred thirty.
 - e. To combine any [converted dwelling](#) with another building which exceeds six stories in [height](#).
 - f. To enlarge or extend any [converted dwelling](#) so as to exceed by more than twenty-five per centum the area which such [dwelling](#) had on any floor at the time of its conversion, except as provided in paragraph h.
 - g. To convert to a [multiple dwelling](#) any [dwelling](#) not so converted before April fifteenth, nineteen hundred thirty, if after such date it has been increased in number of stories or combined with another building more than six stories in [height](#) or enlarged or extended so as to exceed by more than twenty-five per centum the area of such [dwelling](#) or its area on any floor as shown by the plan approved by the [department](#) before its erection, except as provided in paragraph h.
 - h. Paragraphs f and g shall not apply to, or be deemed to prohibit, any [rear](#) extension of the first [story](#) of any [converted dwelling](#) permitted under the provisions of [section one hundred seventy-two](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

3. [Converted dwellings](#) six stories or less in [height](#) may be combined if such [dwellings](#) when combined conform to the requirements of this subdivision.
 - a. No frame building shall be a part of any such combination.
 - b. Every entrance hall, [stair](#) hall, [public hall](#), [stair](#) and [stair](#) enclosures shall be constructed of [fireproof](#) materials throughout and every door opening therefrom and door assembly shall be [fireproof](#) with the door self-closing and without transoms. Every [public hall](#) shall be at least three feet six inches in clear width and enclosed with masonry walls not less than eight inches in thickness. Every [stair](#) and [stair](#) hall shall be constructed and arranged throughout as provided in sections [thirty-five](#), [thirty-six](#), [fifty](#) and [fifty-two](#), and as provided in sections [one hundred two](#), [one hundred five](#) and [one hundred six](#) for [fireproof dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, and shall be at least three feet in clear width with all landings at floor levels at least three feet six inches in clear width. In every combination of three or more such [dwellings](#), [fire-stairs](#) shall be located so that there shall be horizontal access in the [public hall](#) from every [apartment](#) to two or more [fire-stairs](#), one or more of which shall be within fifty feet horizontally in the line of travel of one or more required means of egress from such [apartment](#). Every [stair](#), [fire-stair](#) and [fire-tower](#) shall extend to the roof through a [fireproof](#) bulkhead constructed in compliance with the provisions of [section one hundred four](#) for [fireproof multiple dwellings](#).
 - c. The ceiling of the [cellar](#), or of the lowest [story](#), if there be no [cellar](#), shall be [fire-retarded](#).
 - d. There shall be at least two means of egress from every [apartment](#) or suite of rooms containing three or more [living rooms](#). Such means shall be remote from each other, with the first means opening to a [public hall](#) which is connected with a [stair](#) not more than fifty feet distant from such means of egress. The second means of egress shall be directly accessible to a [fire-tower](#) or [fire-stair](#), or to an outside [fire-escape](#).
 - e. No window to the outer air shall be required opening from any [public hall](#), vestibule, [stair](#), or [stair](#) hall artificially lighted and ventilated mechanically as provided in [section one hundred seven](#) for [fireproof multiple dwellings](#). If any windows are provided, they and their assemblies shall be [fireproof](#) and glazed with wire glass, and if such windows are used in lieu of mechanical ventilation and artificial lighting, they shall also be arranged as provided for [stairs](#) and [public halls](#) in [non-fireproof multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine.
 - f. No elevator shall be required, but should one be installed it shall conform to the provisions of [section fifty-one](#) relating to elevators and [section one hundred five](#) for [fireproof dwellings](#).
 - g. None of the combined [dwellings](#) shall be required to comply with sections [one hundred seventy-eight](#), [one hundred eighty-five](#), [one hundred eighty-seven](#), [one hundred eighty-eight](#) and [one hundred ninety](#) or with subdivisions one, two and three of section [one hundred eighty-nine](#).
 - h. When any business is conducted in any portion of [dwellings](#) so combined, the ceilings and walls of such portion shall be [fire-retarded](#) and every door and door assembly shall be [fireproof](#) with the door self-closing.
4. Nothing in this article shall be deemed to prohibit a combination of class A and B occupancy in any [converted dwelling](#). If more than fifty per centum of the rooms therein are used for [class A](#) occupancy, the [dwelling](#) shall be deemed a [class A dwelling](#), otherwise a [class B dwelling](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

TITLE 1
LIGHT AND AIR

§172. Yards and courts.

1. Except as provided in subdivision two, there shall be a yard thirteen feet or more in [depth](#) across the entire [lot](#) in the [rear](#) of every [converted dwelling](#), or an outer court three feet or more in width which alone or with any open space at the [rear](#) of the [dwelling](#) equals the required area of such a yard.
2. On a [corner lot](#) there shall be a yard ten feet or more in [depth](#) across the entire [lot](#). Such yard shall be thirteen feet or more in [depth](#) for any part of the yard which is more than sixty feet from any side street bounding such [lot](#). The provisions of this subdivision need not apply to a [dwelling](#) situated on a [corner lot](#) if
 - (a) the required windows of all [living rooms](#) in such a [dwelling](#) open directly upon a street
 - (b) the [height](#) and bulk of the [dwelling](#) are not increased and
 - (c) the bulk of the [dwelling](#) above the first [story](#) is not increased.
3. The bottom of a yard may be as high as but not above the second tier of beams, provided the first [story](#) is used exclusively for business purposes and there is no [living room](#) in or below the first [story](#); and provided also that whenever any means of egress from the upper stories opens into such yard, a portion of the yard ten feet or more in [depth](#) and open from the ground up shall be maintained at the [rear](#) of any extension of the [dwelling](#).
4. In the [rear](#) of every [converted dwelling](#) on a [corner lot](#) an extension of the [dwelling](#) over the yard may be built up to the second tier of beams, provided such extension does not obstruct any required means of egress from the upper stories.
5. Except as provided in subdivisions three and four, the required yard or court and unoccupied space shall be open and unobstructed from the ground up.
6. The restrictions of this section and those of subdivisions one and two of [section one hundred seventy-one](#) in regard to bulk and volume shall not apply to extensions erected before April thirteenth, nineteen hundred forty, in conformity with the provision of a local zoning resolution which restricted bulk and volume.
7. Nothing in this section shall be deemed to permit extensions in the yards or courts of any [converted dwelling](#), or to permit business or commercial uses therein, which may be contrary to any local zoning law, ordinance or regulation.

§173. Windows in rooms.

1. Except as provided in subdivision four of [section one hundred seventy-seven](#) every [living room](#) shall have one or more windows opening directly upon a street or upon a yard or court with dimensions conforming to those specified in [section one hundred seventy-two](#), or upon an inner court or [shaft](#) three feet nine inches or more in width and eight feet or more in length.
2. Such windows shall be so located as to light properly all portions of the room and in each room shall have an aggregate glazed area of at least one-tenth of the floor area of the room, unless in the opinion of the [department](#) such room is already adequately lighted and ventilated. The top of at least one window in each [living room](#) shall be seven feet or more above the floor except when such room is in the [basement](#) or on the top [story](#), in which case the top of at least one window shall be six feet or more above the floor. Every such window

NEW YORK STATE
MULTIPLE DWELLING LAW

shall be twelve square feet or more in area, and shall be so constructed that one-half or more of its area may be opened. However, such window need not be twelve square feet in area provided that each room shall have an aggregate glazed window area of at least one-eighth of the superficial floor area of the room.

3. Whenever a [basement](#) conforming to the provisions of subdivision four of [section one hundred seventy-seven](#) is permitted to be [occupied](#) for living purposes, every [living room](#), bathroom, water-closet compartment, kitchen and cooking space therein shall have one or more windows opening directly upon a street; or upon a yard which is at every point at least fifteen feet in [depth](#) and, above the window sill level of the first [story](#) above the [basement](#), at least twenty feet; or upon a court at least two feet in width and extending the entire [depth](#) of the [lot](#) from the street to the yard. All such yards and courts shall be measured at the ground level from the [lot](#) line to the building line opposite on the same [lot](#). The windows in each such room shall have an aggregate glazed area of at least one-eighth of the total floor area of the room, and in no event less than twelve square feet. The top edge of the glazed area of every window shall be nine inches or more below the finished ceiling and one foot or more above the level of the adjoining ground. Every such window shall be so constructed that one-half or more of its area may be opened, and shall be so located as to light and ventilate adequately all portions of the room.
4. Any room on a top [story](#) may be lighted and ventilated by a skylight of the dimensions specified for windows and arranged to provide ventilating openings of six square feet or more. Such a skylight shall be accepted in lieu of a window. Nothing in this subdivision shall be construed to prohibit the installation of a skylight without ventilating openings of six square feet or more, provided, however, that such skylight shall be equipped with at least one hundred forty-four square inches of ventilation and provided that the glazed area of such skylight together with the glazed area of any existing window shall be not less than one-eighth the superficial floor area of such room.
5. When required by the [department](#) transoms, or louvres, or partition sash to private halls or to adjoining rooms in the same [apartment](#) shall be provided to secure thorough ventilation, but no such transom or louvres or partition sash shall be required in rooms having two windows opening to the outer air if each window contains at least twelve square feet of area nor in rooms having a mullioned window with an aggregate area of at least twenty-four square feet.

§174. Size of rooms.

Every [living room](#) shall contain five hundred fifty cubic feet or more of air, shall be at least six feet wide at its narrowest part and shall have a minimum [height](#) of seven feet if such room is in the [basement](#), of seven feet at all points more than six feet from the [front](#) of such room if it is on the top [story](#), and of eight feet if on any other [story](#), except that whenever a [basement](#) conforms to the provisions of subdivision four of [section one hundred seventy-seven](#) the [living rooms](#) in such [basement](#) may have a minimum [height](#) of six feet eight inches from the finished floor to the bottom of any beams projecting below the level of the finished [basement](#) ceiling and of seven feet to the ceiling between such beams.

§175. Alcoves.

1. Every alcove, except a cooking space or [foyer](#), shall be deemed a [living room](#) and shall open into an immediately adjoining [living room](#) which opens directly on a yard or street and in buildings not over two stories in [height](#), such [living room](#) may open directly on an outer court or on a court, not less than four feet in width, extending from street to yard. Such an alcove

NEW YORK STATE
MULTIPLE DWELLING LAW

shall be separately lighted and ventilated, and of such size as provided for other [living rooms](#), unless it has an opening at least thirty-two and one-half square feet or more in area opening into a [living room](#) immediately adjoining.

2. No part of any room shall be enclosed or subdivided at any time, wholly or in part, by a curtain, portiere, fixed or movable partition or any other device unless each enclosed or subdivided part meets all of the requirements for a separate [living room](#) or a lawful alcove.

§176. Cooking spaces.

If space exists or is provided for cooking, such space shall comply with the provisions of [section thirty-three](#).

§177. Rooms in [basements](#) and [cellars](#).

1. No room in any [cellar](#) shall be [occupied](#) for living purposes, except as provided in subdivision six of [section thirty-four](#) or in subdivision three of this section.
2. A room [occupied](#) for living purposes in a [basement](#) shall comply with the requirements of sections [one hundred seventy-three](#) and [one hundred seventy-four](#) except as provided in subdivision four of this section.
3. Where more than sixty per centum of the [height](#) of a [cellar](#) is below the level of the curb on which a [dwelling](#) faces, but the floor of such [cellar](#) is approximately at the level of the yard thereof and such yard is not less than thirty feet in [depth](#) at every point, the [department](#) may permit the use of such [cellar](#) for living purposes if it shall deem such [cellar](#) adequately lighted and ventilated and habitable. When permission is granted such a [cellar](#) shall be deemed a [basement](#).
4. The [basement](#) of a [converted dwelling](#) may be used for living purposes without meeting the requirements of subdivisions one and two of section [one hundred seventy-three](#) if such [dwelling](#) meets the other applicable requirements of such section and of this chapter, including the following:
 - a. Such a [dwelling](#) shall not exceed three stories, including the [basement](#), in [height](#).
 - b. It shall be [occupied](#) by not more than one [family](#) on any [story](#), including the [basement](#). For the purposes of this subdivision a [family](#) shall not be deemed to include any boarders, lodgers or roomers.
 - c. It shall have at least one court two feet or more in width extending across the entire [depth](#) of the [lot](#) from the street to the yard.
 - d. The [department](#) shall deem the [basement](#) to be adequately lighted and ventilated, free of any dampness, sanitary and habitable.
 - e. There shall be a separate water-closet compartment within the [basement apartment](#) conforming to the provisions of [section two hundred](#).
 - f. Such [dwelling](#) shall not be required to comply with [section one hundred eighty-seven](#) if a scuttle is provided conforming to [section one hundred eighty-eight](#).
 - g. This subdivision is applicable only to buildings noted, classified or recorded as such [converted dwellings](#) in the [department](#) prior to January first, nineteen hundred sixty-six.
5. Notwithstanding any provisions of this section or of subdivision five of [section three hundred](#), an [apartment](#) or room in a [cellar](#) which was [occupied](#) for living purposes at any time on or after October first, nineteen hundred fifty-two may thereafter continue to be [occupied](#) for such purposes until July first, nineteen hundred sixty-seven in accordance with the conditions imposed by subdivision five of [section two hundred sixteen](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

§178. Lighting and ventilation of stairs.

Where the stair and public halls are not provided on each story with windows opening to a street, yard or court, a skylight equipped with ridge ventilators having an opening of forty square inches or more shall be provided in the roof over the stair, except as otherwise provided in paragraph g of subdivision three of section one hundred seventy-one. The glazed roof of such skylight shall not be less in area than nine square feet nor less than two feet in its least dimension, provided the ventilating and glass areas in such skylight are not less than herein required; except that in dwellings converted before April eighteenth, nineteen hundred twenty-nine, where a skylight smaller than such prescribed dimensions was in existence on such date, no structural change shall be required, but a ventilating skylight fitting the existing skylight opening in the roof beams shall be deemed sufficient.

§179. Privacy.

In every apartment of three or more rooms in every class A converted dwelling there shall be access to every living room without passing through any bedroom, and to at least one water-closet compartment within the apartment from every bedroom without passing through any other bedroom.

**TITLE 2
FIRE PROTECTION**

§185. Cellar ceilings.

1. Except as provided in paragraph g of subdivision three of section one hundred seventy-one, the ceiling of the cellar, or of the lowest story if there be no cellar, shall be fire-retarded unless such dwelling is three stories or less in height and the ceiling has already been plastered in a manner satisfactory to the department.
2. In lieu of the requirements set forth in subdivision 1. hereof, buildings existing November first, nineteen hundred forty-nine, in cities having a population between five hundred thousand and one million having three stories or less in height and containing no more than six families or eight roomers or lodgers, with no human occupancy in the cellar or basement may comply by:
 - I. providing two means of egress to any area of the third floor used for human occupancy; and
 - II. providing approved safety controls on all fuel burning devices in basement or cellar; and
 - III. fire-stopping of all openings in cellar or basement ceiling or openings leading to the floors above from cellar or basement such as, but not limited to, stud channels, openings around conduits, soil and water pipes, ducts, pipe chases, and by complying with either IV or V hereof;
 - IV. providing an approved sprinkler system throughout entire cellar or basement area; or
 - V.
 - a. providing fire-retarded ceilings at the first floor level; and
 - b. providing sprinkler head or heads above each hot water heater, furnace and all other fuel burning devices in basement or cellar; and
 - c. fire-stopping all the interior entrances to any area of the third floor used for human occupancy at the second floor level with fire-retarded partitions, or equal construction, and a fire-retarded self-closing door and assembly.

NEW YORK STATE
MULTIPLE DWELLING LAW

§186. Extension roofs.

The under-surface of the roof of any extension shall be [fire-retarded](#) or sprinklered unless such ceiling has already been plastered in a manner satisfactory to the [department](#).

§187. Egress.

1. Except as provided in paragraph g of subdivision three of [section one hundred seventy-one](#), egress from every [apartment](#) on each [story](#) shall be provided as follows:
 - a. If a [dwelling](#) is two stories or less in [height](#), or if it is three stories including a [basement](#) in [height](#) and conforms to the conditions of subdivision four of [section one hundred seventy-seven](#), a single means of egress from each [story](#) to the street shall be sufficient.
 - b. Every other [dwelling](#) shall have either two independent means of egress or one means of egress equipped with a sprinkler system.
 - c. At least one means of egress shall be a [stair](#) extending to and through the roof by a bulkhead, except that a scuttle may be used in lieu of a bulkhead if the [dwelling](#) does not exceed a [basement](#) and three other stories in [height](#), or if it does not exceed a [basement](#) and four other stories in [height](#) and is [occupied](#) by not more than two [families](#) on any [story](#), and except that no bulkhead or scuttle, or [stair](#) or ladder leading thereto, shall be required where the roof is a peak roof with a pitch of more than fifteen degrees.
 - d. Whenever a second means of egress is required, it shall, except as provided in paragraph f, extend from the entrance [story](#) to the roof, and shall be located eight feet or more from the first means of egress unless separated therefrom by a [public hall](#) or elevator vestibule. Such second means of egress shall be directly accessible at each [story](#) to each [apartment](#) without having to pass through the first means of egress.
 - e. A required second means of egress shall be either a system of outside [fire-escapes](#), constructed and arranged as provided in [section fifty-three](#) for [fire-escapes](#) erected after April eighteenth, nineteen hundred twenty-nine, a [fire-stair](#), a [fire-tower](#) or a connection with an adjoining [dwelling](#) as provided in paragraph f below.
 - f. If the [department](#) upon the application of the [owner](#) shall deem it feasible and so permit, the [owner](#) shall provide, and at all times maintain unobstructed, a first means of egress extending by means of a [stair](#) from the street through a bulkhead to the roof and thence from the roof of such [dwelling](#) to the roof of an adjoining [dwelling](#) and through such adjoining [dwelling](#) to the street and a second means of egress from each [apartment](#) to a room on the same [story](#) or level in an adjoining [dwelling](#) by means of a balcony. Every such balcony shall comply with the requirements for a [fire-escape](#) balcony, except that its minimum clear width shall be two feet instead of three feet. If at any time such access to the street shall in the opinion of the [department](#) be obstructed or be otherwise unsafe the [department](#) shall revoke the permit, and upon such revocation the [owner](#) shall provide one of the other types of egress permitted in this section.
 - g. When the [department](#) shall find it impractical to erect an independent [fire-escape](#) and shall refuse to permit egress by means of balconies to an adjoining [dwelling](#), the [department](#) may permit the erection or use of a [fire-escape](#) to which the occupants of such [dwelling](#) have safe, unobstructed access in common with the occupants of an adjoining [dwelling](#).
 - h. Where a required means of egress leads to a yard less than thirty feet in [depth](#), except as provided in paragraph f of subdivision four of [section one hundred seventy-seven](#), there shall be access from such yard to the street through a court or [fireproof](#) passage, or to the

NEW YORK STATE
MULTIPLE DWELLING LAW

- yard or court of adjoining [premises](#) by a gate or door through an intervening fence, or, if the [department](#) deems such gate or door impracticable and so certifies, by a ladder to the top of an intervening fence or wall or by such other means as the [department](#) may require.
2. Where a sprinkler system is required such system shall be equipped on each [story](#) with one or more automatic sprinkler heads with fusible struts which shall be constructed to fuse at a temperature not higher than one hundred sixty-five degrees Fahrenheit and all of which shall be constructed, located and arranged in every [stair](#) and entrance hall, and in every closet opening therefrom, in such manner as the [department](#) may require. Such system may be attached to the city water supply main if the normal minimum pressure thereon, measured in pounds per square inch at the street level at the point of connection with said main, is not less than the number of stories in the [height](#) of the [dwelling](#), multiplied by five, plus fifteen. If such normal minimum pressure is less than the required amount or such system is not attached to the city water supply main, it shall be supplied with water from a tank located on the roof of the [dwelling](#) of such capacity and construction as the [department](#) may deem necessary. Such sprinkler system shall be maintained continuously in good repair and serviceable condition.

§188. Bulkheads and scuttles.

Except as provided in paragraph g of subdivision three of [section one hundred seventy-one](#), bulkheads and scuttles shall conform to the following provisions:

1. Every required bulkhead to and through the roof shall be [fireproof](#) or constructed of wood covered with metal on the outside and [fire-retarded](#) on the inside, and shall have a [fire-retarded](#) door and assembly with the door self-closing. Every [stair](#) extending through a bulkhead shall have a hand rail.
2. Every scuttle shall be at least twenty-one inches in width and twenty-eight inches in length, covered on the outside with metal and provided with a [stair](#) or a stationary iron ladder leading thereto and easily accessible to all occupants of the [dwelling](#). Every scuttle shall be located in the ceiling of the [stair](#) hall on the top [story](#) and access to the roof through the scuttle shall be direct and uninterrupted. It shall be unlawful to enclose in any manner the ladder or [stair](#) leading to a scuttle.
3. Every bulkhead door or scuttle shall not be self-locking and shall be fastened on the inside with movable bolts, hooks, or a lock which does not require a key to open from the inside of the [dwelling](#).
4. Where a [dwelling](#) has a peak roof with a pitch of more than fifteen degrees, no bulkhead or scuttle, or [stair](#) or ladder leading thereto, shall be required.

§189. [Stair](#) and [public hall](#) construction.

Except as provided in paragraph g of subdivision three of [section one hundred seventy-one](#), [stairs](#) and [public halls](#) shall conform to the following provisions:

1. In a [dwelling](#) more than a [basement](#) and three other stories in [height](#) or [occupied](#) by four [families](#) or more, the soffit and stringers of every [stair](#) between the lowest entrance [story](#) and the next higher [story](#) and the walls and ceilings of every lowest entrance hall shall be [fire-retarded](#) and in such [dwellings](#) converted on and after July first, nineteen hundred fifty-eight, all doors opening to such entrance hall and [stairs](#), and the door assemblies, shall be [fireproof](#) with the doors self-closing. In lieu of the requirements of this subdivision, a sprinkler system may be installed in accordance with the provisions of [section one hundred eighty-seven](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

2. Every door opening from any [stair](#), entrance hall or other [public hall](#) to any other part of the [dwelling](#) shall be self-closing. Every glazed transom over any such door shall be glazed with wire glass. Every transom shall be stationary. On and after July first, nineteen hundred fifty-seven, every glazed panel or other glazed opening in any such door shall be glazed with wire glass.
3. Every [stair](#), except a [basement](#) or [cellar stair](#), shall be two feet six inches or more in clear width. Any wooden [stair](#) may be replaced by an iron [stair](#) of like dimensions. Every entrance hall shall be two feet eight inches or more in clear width.
4. If the number of rooms in a [class B dwelling](#) is increased and there are sixteen sleeping rooms or more above a [basement](#) or, if there be no [basement](#), above the main entrance [story](#), all partitions and ceilings enclosing [public halls](#) and [stairs](#) shall be [fire-retarded](#) throughout. All doors opening to such [public halls](#) and [stairs](#), and their assemblies, shall be [fireproof](#) with the doors self-closing. [Stairs](#) shall be [fireproof](#) and shall extend from the main entrance [story](#) through a bulkhead to the roof.
5. On and after July first, nineteen hundred fifty-seven, every interior sash, or opening other than a door, in the walls or partitions of any [stair](#), entrance hall or other [public hall](#), and every window therein not opening to the outer air, shall be removed and the openings closed up with material similar to the adjacent walls.

§190. [Cellar stairs](#).

1. Except as provided in paragraph g of subdivision three of [section one hundred seventy-one](#), and except as otherwise provided in subdivision two hereof, every [stair](#) leading from a [cellar](#) to the floor above shall be constructed of incombustible materials, shall have closed risers, shall be completely enclosed with partitions of incombustible materials and shall be equipped at the bottom with a [fireproof](#) door and assembly with the door self-closing.
2. Every existing [stair](#) leading from a [cellar](#) to the floor above in a [converted dwelling](#) accepted or approved by the [department](#) on or before July first, nineteen hundred sixty shall be deemed in compliance with this section.

§191. [Wainscoting](#).

Wainscoting in any [stair](#) or [public hall](#) shall be removed unless such wainscoting is backed against a [fire-retarded](#) wall or the [stair](#) or hall is equipped with a sprinkler system conforming to the provisions of [section one hundred eighty-seven](#). Where wainscoting is removed in order to fire-retard a [public hall](#) or [stair](#), such wainscoting may be replaced or additional wainscoting may be applied to make the surfaces of any new partitions or walls conform to existing partitions or walls provided such additional wainscoting is similarly backed with [fire-retarded](#) materials.

§192. [Cellar entrance](#).

- a. If there is a [cellar](#), there shall be an independent entrance thereto from outside the [dwelling](#) by means of a metal fire ladder or [fireproof stair](#) leading to an opening in the outside [cellar](#) wall at least two feet six inches in width and six feet in [height](#). Such entrance to the [cellar](#) may be through an areaway or through a [fireproof](#) passageway leading directly to the street. The entrance to the [cellar](#) may be closed off with a grating or doors which shall not be locked or bolted unless they can be readily unbolted or unlocked from the inside without a key and shall be arranged and constructed so as to be readily opened at all times.

NEW YORK STATE
MULTIPLE DWELLING LAW

- b. In lieu of the requirements set forth in subdivision a hereof, buildings existing November first, nineteen hundred forty-nine in cities having a population between five hundred thousand and one million may comply with the following:
1. shall have an unobstructed entrance through a yard or court from a street:
 - (a) directly to exterior [dwelling](#) entrance with interior entrance to [basement](#) or [cellar](#) direct from said entrance, or from a [fire-retarded public hall](#) or [stair](#) landing, and
 - (b) to one or more [cellar](#) or [basement](#) walls containing accessible windows.
 2. The stairway leading to [cellar](#) or [basement](#) shall be enclosed with [fire-retarded](#) partitions or equal construction and shall have a minimum fire rating of one hour. Said [cellar](#) or [basement](#) entrance shall be equipped with a one hour self-closing fire door assembly.

§193. Frame buildings.

No frame building shall be erected or maintained upon the same [lot](#) with a [dwelling](#) converted after April twenty-eighth, nineteen hundred thirty, nor shall any frame building not [occupied](#) on April thirteenth, nineteen hundred forty, as a [multiple dwelling](#) be altered or converted to such use; except that if the walls of a frame [converted dwelling](#) are faced with a veneer of brick and the entrance [story](#) is [occupied](#) by not more than one [family](#), such entrance [story](#) may be altered so that it may be [occupied](#) by two [families](#).

§194. Sprinkler heads in rooms.

1. On and after July first, nineteen hundred fifty-seven, in every room used for class B occupancy whether in a class A or class B non-fireproof [converted dwelling](#), there shall be one or more sprinkler heads. Such sprinkler heads shall be installed in accordance with the supplementary rules and regulations of the [department](#). This requirement shall not apply to [dwellings](#) which have a required second means of egress.
2. The requirements of this section shall not apply to a [dwelling](#) located within an area designated on the master plan as an area suitable for development and redevelopment, provided
 - (a) that the agency in charge of such clearance shall have certified to the [department](#) on or before February first, nineteen hundred fifty-nine that the [dwelling](#) will be demolished within one year after the service of notice of violation and
 - (b) that the [dwelling](#) is not in violation of any rules and regulations relating to over occupancy, egress or fire protection. Such temporary exemption from the requirements of this section may be extended for an additional period of not more than six months upon renewal of such certification of demolition and safety.

**TITLE 3
SANITATION**

§200. Water-closets.

Water-closet compartments or bathrooms containing water-closets in converted [multiple dwellings](#) shall comply with the applicable provisions of [section seventy-six](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 7
TENEMENTS

§210. Application of article seven and other provisions to [tenements](#).

Except as provided in [section two hundred forty-eight](#), the provisions of this article shall apply only to [tenements](#), as defined in subdivision eleven of [section four](#), [occupied](#) as such before April eighteenth, nineteen hundred twenty-nine. Unless in this article otherwise specifically prescribed, none of its provisions shall be deemed to require any structural [alteration](#) in any [tenement](#) erected after April eleventh, nineteen hundred one and lawfully [occupied](#) as such on April eighteenth, nineteen hundred twenty-nine. Nothing in this article shall apply to [converted dwellings](#). In addition to the provisions of this article, the following enumerated articles and sections shall, to the extent required therein, apply to [tenements](#):

NEW YORK STATE
MULTIPLE DWELLING LAW

Article	1. Introductory provisions; definitions 2. Miscellaneous application provisions 7-a. Temporary provisions 8. Requirements and remedies 9. Registry of names and service of papers 10. Prostitution 11. Laws repealed; saving clause; legislative intent; effect
Sec.	28. Two or more buildings on same lot 29. Painting of courts and shafts 31. Size of rooms--subdivision six 33. Cooking spaces 34. Rooms in basements and cellars 35. Entrance doors and lights 37. Artificial hall lighting 51. Shafts, elevators and dumbwaiters 52. Stairs 53. Fire-escapes 55. Wainscoting 56. Frame buildings and extensions 57. Bells; mail receptacles 58. Incombustible materials 59. Bakeries and fat boiling 60. Motor vehicle storage 61. Business uses 62. Parapets, guard railings and wires--subdivision two 75. Water supply 76. Water-closet and bath accommodations 77. Plumbing and drainage 78. Repairs 79. Heating 80. Cleanliness 81. Receptacles for waste matter 83. Janitor or housekeeper

TITLE 1
LIGHT AND AIR

§211. [Height](#) and bulk.

1. No [tenement](#) shall be increased in [height](#) so that its [height](#) shall exceed by more than one-half the width of the widest street upon which it stands. Except as otherwise provided in subdivision four of this section, no non-fireproof [tenement](#) shall be increased in [height](#) so that it shall exceed five stories, except that any [tenement](#) may be increased to any height permitted for [multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, if such [tenement](#) conforms to the provisions of this chapter governing like [multiple dwellings](#) erected after such date.

NEW YORK STATE
MULTIPLE DWELLING LAW

2. If there are bulkheads, superstructures or penthouses exceeding ten feet in [height](#) or exceeding in aggregate area ten per centum of the area of the roof, the measurement of [height](#) shall be taken to the top of such bulkhead, superstructure or penthouse, except that this shall not apply to elevator enclosures not exceeding twenty-three feet in [height](#) used solely for elevator purposes, nor to open pergolas or similar open ornamental treatment of roof-gardens or playgrounds.
3. In a [fireproof tenement](#) house in which one or more passenger elevators are operated, penthouses may be erected on the main roof. Such penthouses shall be set back at least five feet from the [front](#) walls and ten feet from the [rear](#) walls of the [dwelling](#) and at least three feet from any court wall. Such penthouses shall have a clear inside [height](#) of not less than nine feet from finished floor to finished ceiling, and shall not exceed twelve feet in [height](#) from the high point of the main roof to the highest point of the penthouse roof. Such penthouses shall not be deemed to affect the measurement of [height](#) of the [dwelling](#). All such penthouses shall be entirely [fireproof](#) except that windows shall not be required to be glazed with wire glass.
4. Any non-fireproof old-law [tenement](#) five stories in [height](#) may be increased in number of stories to six provided that such increase in number of stories does not result in an increase in the [height](#) of the roof beams above the [curb level](#). In any [tenement](#) so altered, the first floor above the lowest [cellar](#), or, if there be no [cellar](#), above the [basement](#) or other lowest [story](#), shall be [fireproof](#). Any yard or court of such altered [tenement](#) shall not be less in any dimension than the minimum dimensions prescribed in [section twenty-six](#).

§212. Yards and courts.

1. No [tenement](#) shall be enlarged or its [lot](#) diminished in any way which would leave any yard or court less in any dimension than the minimum dimensions prescribed for yards or courts in [section twenty-six](#). The restrictions of this subdivision shall not apply to [tenements](#) erected after April twelfth, nineteen hundred one, on [lots](#) which run through from one street to another street and do not exceed one hundred feet in [depth](#).
2. Any court constructed on or after December fifteenth, nineteen hundred sixty-one in a [tenement](#) to ventilate any room, [public hall](#), water-closet compartment or bathroom shall be of the dimensions prescribed in [section twenty-six](#), and such court shall under no circumstances be roofed or covered over at the top. Every such court, if an inner court, shall be provided at the bottom with one or more horizontal air-intakes constructed as provided in [section twenty-six](#).
3. Any [shaft](#) or court constructed after April eighteenth, nineteen hundred twenty-nine, which is used to light or ventilate any room [occupied](#) for living purposes in any old-law [tenement](#) shall be at least twenty-five square feet in area and four feet in width in every part, and shall under no circumstances be roofed or covered over at the top. Every such [shaft](#) shall be provided at the bottom with a horizontal air-intake or duct at least four square feet in area communicating directly with a street or yard and so arranged as to be easily cleaned.
4. In every old-law [tenement](#) there shall be a door at the bottom of every [shaft](#) and inner court giving access to the [shaft](#) or court and whenever the [shaft](#) or inner court is less than two hundred square feet in area or ten feet in any dimension, such door and its assembly shall be [fireproof](#) with the door self-closing. Where a window or door existing on April eighteenth, nineteen hundred twenty-nine, gives proper access to such a [shaft](#) or court, such window or door shall be deemed sufficient.

NEW YORK STATE
MULTIPLE DWELLING LAW

§213. Lighting and ventilation of rooms.

1. No [tenement](#), its [lot](#) or any room, [public hall](#) or [stairs](#) therein shall be so altered as to have its light or ventilation diminished in any way not approved by the [department](#).
2. In every [tenement](#) erected after April twelfth, nineteen hundred one, every [stair hall](#), [public hall](#) and [living room](#) and at least one water-closet compartment or bathroom containing a water-closet in each [apartment](#), shall have at least one window opening directly upon a street or upon a lawful yard or court existing on April eighteenth, nineteen hundred twenty-nine. Such window shall be so located as to properly light all portions of such hall, room or compartment. Every part of an [apartment](#) of three rooms or less in such a [tenement](#) shall be within eighteen feet of a street or yard or have a window opening upon a lawful inner or outer court existing on April eighteenth, nineteen hundred twenty-nine. When a room in a [tenement](#) opens upon an inner court on a [lot](#) line and less than ten feet wide from the [lot](#) line to the opposite wall of the [dwelling](#), such room shall be provided with a sash window communicating with another room in the same [apartment](#). Such window shall contain at least ten square feet of glazed surface and be made so as to open readily.
3. No room in any old-law [tenement](#) shall be [occupied](#) for living purposes unless it meets the conditions in one of the following paragraphs:
 - a. Such room has a window opening directly upon a street, or upon a yard at least four feet in [depth](#), or above the roof of an adjoining building, or upon a court or [shaft](#) at least twenty square feet in area open to the sky.
 - b. Such room is located on the top [story](#) and is adequately lighted by a ventilating skylight opening directly to the outer air.
 - c. Such room has a sash window opening directly into an immediately adjoining room in the same [apartment](#) which latter room opens directly on a street or yard at least four feet in [depth](#). Such window shall have a vertically sliding pulley-hung sash not less than three feet by five feet, except that when it is impossible to construct a window of such size, the [department](#) may permit such window to be narrower. Both halves of the sash shall be made so as to open readily, and the lower half shall be glazed with translucent glass, or with obscure wire glass if the [department](#) shall so require. So far as possible such window shall be in line with windows in outer rooms opening on a street or yard, so as to afford a maximum of light and ventilation.
 - d. Such room has an alcove opening, of no less dimension than required for such a sash window, to such an adjoining room, in addition to the usual door openings.
4. In every existing [tenement](#) the [department](#), in addition to the requirements of subdivision four of [section eighty](#), may, as often as it deems necessary, require the walls and ceilings of every room that does not open directly on a street to be kalsomined or painted white to improve the lighting of such room.
5. Notwithstanding anything in this section to the contrary, no room in any old-law [tenement](#) in an [apartment](#) which is vacant on June thirtieth, nineteen hundred sixty, or thereafter becomes vacant, and, on and after June thirtieth, nineteen hundred seventy no room in any old-law [tenement](#) shall be used for living purposes unless such room shall have a window opening directly upon the street, or upon a yard not less than four feet deep, or above the roof of an adjoining building, or upon a court or [shaft](#) of not less than twenty square feet in area, open to the sky without roof or skylight, unless such room is located on the top floor and is

NEW YORK STATE
MULTIPLE DWELLING LAW

adequately lighted and ventilated by a skylight opening directly to the outer air. An alcove shall be deemed to comply with the requirements of this subdivision if

- (1) it opens directly into an immediately adjoining room in the same [apartment](#), and
- (2) such adjoining room opens directly on a street or yard, and
- (3) a single unbroken open space occupies at least sixty per centum of the area of the vertical plane between the alcove and such adjoining room. The required open space between any such alcove and an adjoining room through which it receives light and ventilation shall not be obstructed by any curtain, portiere, fixed or movable partition or other contrivance or device.

§214. Size of rooms.

1. In every [tenement](#) erected after April twelfth, nineteen hundred one, the sizes of [living rooms](#) shall meet the following requirements:
 - a. In each [apartment](#) there shall be at least one [living room](#) containing at least one hundred twenty square feet of clear floor area, and every other [living room](#) except a kitchen shall contain at least seventy square feet of clear floor area.
 - b. Every [living room](#) which contains less than eighty square feet of clear floor area or which is located in the [cellar](#) or [basement](#) shall be at least nine feet high, and every other [living room](#) at least eight feet high; these measurements to be taken from finished floor to finished ceiling.
 - c. Every [living room](#) shall have a least horizontal dimension of at least six feet and, if the [tenement](#) was erected after April eighteenth, nineteen hundred twelve, of at least seven feet; except that the minimum horizontal dimension of any kitchen and of a maid's or servant's sleeping room in a fire-proof [tenement](#) in which one or more passenger elevators are operated, shall be six feet.
2. In any [tenement](#), [apartments](#) containing three or more rooms may have [dining bays](#), which shall not exceed fifty-five square feet in floor surface area and shall not be deemed separate rooms or subject to the requirements for separate rooms or alcoves. Every such [dining bay](#) shall be equipped with such appropriate permanent fittings as may be required by the [department](#) and shall also be provided with at least one window opening directly upon a street or upon a yard or court which was lawful on April eighteenth, nineteen hundred twenty-nine. The area of such window shall be one-eighth at least of the floor surface area of such [dining bay](#). No [dining bay](#) shall be permitted in any [apartment](#) containing less than three rooms.

§215. Alcoves.

No part of any room shall be enclosed or subdivided, wholly or in part, by a curtain, portiere, fixed or movable partition or other contrivance or device unless each such enclosure or subdivision shall contain a separate window conforming to the provisions of [section thirty](#) for rooms in [multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, and have a clear floor area of at least seventy square feet.

§216. Rooms in [basements](#) and [cellars](#).

No room in the [basement](#) or [cellar](#) of any [tenement](#) shall be [occupied](#) for living purposes unless there is a written permit therefor as provided in subdivision five of [section three hundred](#) and it either is part of an [apartment](#) which complies with the conditions of subdivision six of [section thirty-four](#) or complies with the following conditions:

NEW YORK STATE
MULTIPLE DWELLING LAW

1.
 - a. There shall be appurtenant to every such room a water-closet constructed and accessible in accordance with the provisions of [section seventy-six](#) for [dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine.
 - b. Every such room and all [cellars](#) and [basements](#) shall be lighted and ventilated to the satisfaction of the [department](#).
2. If such room is in a [tenement](#) erected after April twelfth, nineteen hundred one:
 - a. Such room shall be at least nine feet high in every part from floor to ceiling.
 - b. Every part of the ceiling of such room shall be at least four feet six inches above the [curb level](#) of the street in [front](#) of such part when such room or the [apartment](#) containing it is located in the [front](#) part of the [dwelling](#), and at least two feet above such [curb level](#) in [front](#) of the [dwelling](#) when such room or the [apartment](#) containing it is located in the [rear](#) of the [dwelling](#) and the yard is less than sixty feet in [depth](#) and does not extend to a street along its entire width.
 - c. The level of any yard or court upon which such a room or [apartment](#) opens shall conform to the requirements of subdivision eight of [section twenty-six](#).
 - d. Every such room shall have a window opening upon a street, yard or court, and shall be an integral part of an [apartment](#) containing a room with a window opening directly upon a street or yard or upon an outer court at least eighteen feet in width and not more than thirty feet in [depth](#) or upon a larger outer court whose [depth](#) does not exceed its width by more than one-half.
 - e. Except when the yard is sixty feet or more in [depth](#) there shall be not more than one [apartment](#) in any [cellar](#). It shall contain not more than five rooms and bath, and no such room shall open upon any court less than five feet six inches in width. Every part of such [apartment](#) shall either be located within twenty-five feet of the inner line of the [front](#) or [rear](#) wall of the [dwelling](#) or have a window opening upon a court which is at least twelve feet in width. No other rooms in the [cellar](#) shall be [occupied](#) for living purposes.
 - f. The area of every window in such a room shall be at least twelve square feet, and the total area of windows in every such room shall be at least one-eighth of the total floor area of the room. At least half of each window shall be made to open, and the top of each window shall be within twelve inches of the ceiling.
 - g. All walls enclosing such room shall be dampproof and its floor dampproof and waterproof. The dampproofing and waterproofing shall run through and up the walls to the ground level.
 - h. The entire [cellar](#), or lowest [story](#) if there be no [cellar](#), shall be properly constructed so as to prevent dampness or water from entering.
3. If such room is in the [cellar](#) of any old-law [tenement](#) either the conditions enumerated in subdivision two or the following conditions shall be complied with:
 - a. Such room shall be at least eight feet high in every part from floor to ceiling.
 - b. Every part of the ceiling of every such room shall be at least four feet above the surface of the street in [front](#) of every part of such room, or at least half the [height](#) of such room shall be everywhere above the highest level of the ground outside of and adjoining every part of the exterior wall of such room for a distance of thirty feet measured at a right angle to the outer surface of such wall.
 - c. Such adjoining ground shall be effectively drained and shall be open and unoccupied in every part.

NEW YORK STATE
MULTIPLE DWELLING LAW

- d. Such room shall have a window or windows opening directly to the required unoccupied area of ground outside of and adjoining such room or to a street or yard. Every such window shall be made so as to open readily and such window or windows shall provide at least twelve square feet of clear openings for ventilation.
 - e. Such room shall be thoroughly dry and fit for human habitation.
 - f. If the [tenement](#) is over marshy ground, or ground on which water lies or on which there is upward water pressure, the entire [cellar](#), or lowest [story](#) if there be no [cellar](#), shall be made dampproof and waterproof.
4. If such room is in the [basement](#) of any old-law [tenement](#) the provisions of subdivision one and in addition the provisions of subdivision two or of subdivision three, or the provisions of paragraph f of subdivision three and of either of the following paragraphs, shall be complied with:
- a. Such room shall be everywhere seven feet or more in [height](#) from floor to ceiling and [occupied](#) solely by a [family](#) which occupies the entire [story](#) above, and such room shall not be used for sleeping purposes; or
 - b. Such room shall be everywhere seven feet six inches or more in [height](#) from floor to ceiling and shall have a window or windows opening directly to a street, or to a yard at least twelve feet in [depth](#), or to a court at least six feet in its least dimension and twelve feet in its greatest dimensions; every such windows shall be made so as to open readily; such window or windows shall provide at least twelve square feet of clear opening for ventilation, and the [apartment](#) containing such room shall have one or more rooms opening upon a street or yard.
5. Notwithstanding any provisions of this section or of subdivision five of [section three hundred](#) of this chapter, an [apartment](#) or room in a [cellar](#) or [basement](#) which was [occupied](#) for living purposes on April first, nineteen hundred fifty-three may thereafter continue to be [occupied](#) for such purposes until July first, nineteen hundred sixty-seven, upon the issuance of a joint certificate by the [department](#) and the department of health. Such certificate shall be renewed for any such [apartment](#) or room which continues to be [occupied](#) in an old-law [tenement](#) after June thirtieth, nineteen hundred fifty-seven. The certificate shall indicate their joint belief that such occupancy is not detrimental to life and health with due regard to the following conditions:
- a. that the [apartment](#) or room is reasonably lighted and ventilated,
 - b. that adequate sanitary facilities are provided, including water supply and water closet accommodations,
 - c. that the [premises](#) are clean and free from rodents and vermin,
 - d. that the walls and ceilings are sound and reasonably free of dampness and there is a minimum of seven feet in [height](#) from floor to ceiling,
 - e. that the [apartment](#) or room is adequately heated from a central heating system or by other approved means,
 - f. that the structural arrangement, including egress facilities, of the [apartment](#) or room does not constitute a fire hazard,
 - g. that notwithstanding the provisions of this subdivision, any [apartment occupied](#) pursuant to the provisions of this subdivision which becomes vacant on or after June first, nineteen hundred fifty-five shall not thereafter be [occupied](#) for [dwelling](#) purposes. This paragraph shall also apply to any room which becomes vacant on or after June first, nineteen hundred fifty-six.

NEW YORK STATE
MULTIPLE DWELLING LAW

§217. Lighting and ventilation of public halls and stairs.

1. In every tenement erected after April twelfth, nineteen hundred one, which exceeds four stories in height or is occupied by three families or more on any story, every public hall shall have at least one window opening directly upon a street, yard or court. Such window shall be located at the end of the hall and at right angles to its length, with an additional window in each thirty feet of hall or fraction thereof beyond the first sixty feet from such end window if the tenement was erected after April eighteenth, nineteen hundred twelve; or, if the window is not thus located at the end of the hall, there shall be at least one window opening directly upon a street, yard or court in every twenty feet of the length of the hall or fraction thereof, measured from one end of hall; but the foregoing provisions shall not apply to that portion of an entrance hall between the entrance and the first flight of stairs if the entrance door contains five square feet or more of glazed surface.
2. When the length of any recess or return off of a public hall in such a tenement does not exceed twice its width, no window shall be required therein. But wherever the length of a recess or return exceeds twice its width there shall be an additional window or windows meeting the requirements for a separate public hall.
3. Except as provided in subdivision four, a tenement erected after April twelfth, nineteen hundred one, which is four stories or less in height and occupied by not more than two families on any story shall either have windows in its public halls as above provided or a stairwell twelve inches or more in width extending from the entrance story to the roof. In such a tenement, except as provided in subdivision four, every entrance door shall contain five square feet or more of glazed surface, and all doors leading from the public halls shall be provided with translucent glass panels five square feet or more in area for each door and fixed transoms of translucent glass over each door.
4. Neither such windows nor such a stairwell shall be required in cities of one million or more population in tenements which do not exceed three stories in height or fifty-five feet in depth and which are occupied by not more than one family on any story and in which the stairs descend in a straight and continuous run from the top story to the entrance story with proper landings at each story. Such tenements shall not be required to have glass panels or transoms in the doors leading from the public halls.
5. In every public hall that is provided with a window or windows in a tenement erected after April twelfth, nineteen hundred one, at least one such window shall be at least two feet six inches wide and five feet high.
6. In every such tenement there shall be provided, at every floor level, a window opening upon a street, yard, court or space above a setback to light and ventilate every stair. Every such required window shall be of the size required by subdivision five, except that a window opening upon a street need be only four feet high. On the top story a ventilating skylight of the same dimensions shall be accepted in lieu of a window for that story.
7. In every such tenement there shall be in the roof, directly over each stairwell, a ventilating skylight provided with ridge ventilators having an opening of at least forty square inches, or provided with fixed or movable louvres. The roof of every such skylight shall have at least twenty square feet of glazed surface. If the stairs and public halls are not provided at each story with windows opening directly to the outer air, the skylights shall be provided with ridge ventilators and also with fixed or movable louvres or movable sashes.

NEW YORK STATE
MULTIPLE DWELLING LAW

8. A sash door shall be deemed the equivalent of a window for the purposes of this section if it contains the amount of glazed surface prescribed for such windows.
9. In all old-law [tenements](#) the [public halls](#) and [stairs](#) shall be provided with such skylights, ventilators, windows in bulkheads or other means of lighting and ventilation as may be deemed practicable by the [department](#).
10. All skylights installed in old-law [tenements](#) after April eighteenth, nineteen hundred twenty-nine, shall be provided with ridge ventilators having an opening of at least forty square inches and also with fixed or movable louvres or with movable sashes. They shall be of such size as may be determined to be practicable by the [department](#), and the roofs of such skylights shall be glazed with plain glass equipped with suitable wire screen above and below.
11. Whenever a [public hall](#) in any old-law [tenement](#) four stories or more in [height](#) is not light enough in the daytime to permit a person to read in every part thereof without the aid of artificial light, every door at the end of such hall or opening therefrom into a room shall have a wire glass panel or panels of an aggregate area of at least four square feet; or in lieu thereof such hall may be lighted by a window or windows opening upon a street or upon a lawful yard, court or [shaft](#), with the plane of each such window at right angles to the length of the hall. In any such [tenement](#) any [public hall](#) or [stair](#) which is not provided with a window opening directly upon a street or yard and which is not sufficiently lighted in the opinion of the [department](#) shall be provided by the [owner](#) with artificial light, which shall be kept burning at all times.
12. Any part of a [public hall](#) that is shut off from any other part of such hall by a door or doors shall be deemed a separate hall for the purposes of this section.

§218. [Alterations.](#)

1. Any non-fireproof [tenement](#) erected after May fifteenth, nineteen hundred two, having [apartments](#) extending from street to yard and having one or more outer courts on a side [lot](#) line four feet or more in width or inner courts which alone or together with adjoining courts are eight feet or more in width and twelve feet six inches or more in [depth](#), may be altered into [apartments](#) opening either on the street or the yard, provided all such altered [apartments](#) also have windows opening on such a court. All such altered [apartments](#) shall be provided with a second means of egress as required by [section two hundred thirty-one](#). The entrance and [stair](#) halls of such [tenement](#) shall be [fire-retarded](#).
2. No room in the [cellar](#) or [basement](#) of any [tenement](#) shall be constructed or altered to be [occupied](#) for living purposes unless all of the conditions of [section thirty-four](#) and of subdivision eight of [section twenty-six](#) in regard to [multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine, are complied with, except that the minimum [depths](#) of yards and courts prescribed for [tenements](#) in subdivision one of [section two hundred twelve](#) shall be substituted for the minimum [depths](#) referred to in [section thirty-four](#).
3. Any additional room or hall constructed or created in a [tenement](#) shall comply in all respects with the provisions of this article respecting rooms or halls in [tenements](#) erected after April eighteenth, nineteen hundred twelve, except that in any [tenement](#) erected after April fourteenth, nineteen hundred three, such rooms or halls may be of the same [height](#) as the other rooms or halls on the same [story](#).
4. The number of [apartments](#) or suites of rooms on any [story](#) in any [tenement](#) erected after April twelfth, nineteen hundred one, may be altered so as to increase or decrease the number of

NEW YORK STATE
MULTIPLE DWELLING LAW

[living rooms](#) provided such [dwelling](#) shall conform with the applicable provisions of sections [two hundred thirty-five](#) and [two hundred thirty-six](#).

5. If the number of [apartments](#) or suites of rooms in any old-law [tenement](#) is increased, the entrance hall and both sides of the walls of the [stair](#) halls adjoining the altered [apartment](#) shall be [fire-retarded](#), the [stairs](#) shall extend to the roof and there shall be no inside [stairs](#) from the entrance [story](#) to a [cellar](#), or to a [basement](#) or other [story](#) below the entrance [story](#). However, such inside [stair](#) may be permitted provided such [stair](#) is constructed of incombustible material, has closed risers, is enclosed between the entrance [story](#) and the next lowest [story](#) with [fireproof](#) materials having a standard fire-resistive rating of at least three hours, and has [fireproof](#) doors and door assemblies at the top and bottom with the doors and door assemblies at the top and bottom with the doors self-closing. The soffit of any [stair](#) immediately above an inside [cellar stair](#) shall be [fire-retarded](#) and the jib partitions enclosing such [cellar stair](#) at the first [story](#) shall be of incombustible material or [fire-retarded](#) on both sides with materials having a standard fire-resistive rating of at least one hour.
6. If any old-law [tenement](#) shall be so altered as to increase the number of rooms therein by one-third or more, or if such [tenement](#) is increased both in number of rooms and in [height](#) and after such [alteration](#) is more than four stories or parts of stories above the [curb level](#), or if such [tenement](#) is over three stories in [height](#) and is combined with another old-law [tenement](#) and the combined area on any [story](#) exceeds three thousand square feet, the [stair](#) halls, entrance halls and other [public halls](#) of the whole [dwelling](#) shall be made to conform to the requirements of subdivision two of [section two hundred thirty-three](#) and sections [two hundred thirty-four](#) to [two hundred thirty-eight](#) inclusive, except that such combined [tenements](#), if over three stories in [height](#), shall have in the roof a [fireproof](#) bulkhead with a [fireproof](#) self-closing door.
7. In lieu of fire retarding required under subdivision five, there may be installed in [public halls](#) an automatic dry pipe valve system or, where halls are heated, an automatic wet pipe system. Where a sprinkler system is installed it shall be equipped on each [story](#) with heads in such number and spaced to protect the complete area of the [public halls](#) and [stairs](#) and shall be constructed, located and arranged on every [stair](#) and entrance hall and in every closet opening therefrom in such a manner as the [department](#) may require. Such sprinkler system shall be maintained continuously in good repair and serviceable condition.

TITLE 2
FIRE PROTECTION

§230. Chimneys and fireplaces.

In every existing [tenement](#) which is not heated from a central heating plant there shall be adequate flues or chimneys through every floor with a fireplace or place for a stove properly connected with one of such flues or chimneys for every [apartment](#).

§231. Egress.

1. Every non-fireproof [tenement](#) exceeding two stories in [height](#) and every [fireproof tenement](#) erected after May sixteenth, nineteen hundred thirteen, shall have at least two independent means of egress, which shall extend from the ground [story](#) to the roof, be located remote from each other and be separated from each other by walls.
2. One of such means of egress shall be a flight of [stairs](#) constructed as provided in sections [two hundred thirty-three](#) to [two hundred thirty-eight](#) inclusive; but this sentence shall not be

NEW YORK STATE
MULTIPLE DWELLING LAW

construed to require any [alteration](#) in the material or width of any [stair](#) or its treads and risers lawfully permitted on April eighteenth, nineteen hundred twenty-nine.

3. The other required means of egress shall be directly accessible at each [story](#) to each [apartment](#) without having to pass through the first means of egress. Such other means of egress shall be any one of the following, as the [owner](#) may elect:
 - a. A system of outside [fire-escapes](#) constructed as provided in [section fifty-three](#).
 - b. An additional [stair](#), either inside or outside, constructed and arranged as provided in sections [two hundred thirty-three](#) to [two hundred thirty-eight](#) inclusive.
 - c. A [fire-tower](#) or [fire-stair](#) constructed and arranged as provided in [section two hundred thirty-nine](#).
 - d. Except as provided in subdivision nine of [section fifty-three](#), any means of egress lawfully permitted on April eighteenth, nineteen hundred twenty-nine, except wire, chain, cable, vertical ladder, or rope [fire-escapes](#).

§232. [Fire-escapes](#).

1. All [fire-escapes](#) erected after April eighteenth, nineteen hundred twenty-nine, shall be arranged and constructed in conformity with the provisions of [section fifty-three](#).
2. As specifically indicated in subdivision nine of [section fifty-three](#), a wire, chain, cable, vertical ladder, or rope [fire-escape](#) is an unlawful means of egress from any [apartment](#). Every such [fire-escape](#) shall be removed and replaced, if required as a means of egress, by a system of [fire-escapes](#) constructed and arranged as provided in [section fifty-three](#).

§233. Bulkheads and scuttles.

1. Every [tenement](#), except as in this section otherwise provided, shall have in the roof a [fireproof](#) bulkhead with a [fireproof](#) door and after January first, nineteen hundred fifty-seven, the door shall be self-closing. Bulkheads existing on April eighteenth, nineteen hundred twenty-nine, shall be lawful and may be replaced or repaired with material conforming to the material of which such bulkhead consisted on such date.
2. A bulkhead in the roof of an old-law [tenement](#) which is more than a [basement](#) and four other stories in [height](#) or which is a [basement](#) and four other stories in [height](#) and [occupied](#) by three or more [families](#) on any [story](#), may be of wood covered with metal on the outside and [fire-retarded](#) on the inside. Such a bulkhead shall be equipped with a [fire-retarded](#) door and assembly with the door self-closing.
3. In any old-law [tenement](#) which is four stories or less in [height](#) or which is a [basement](#) and four other stories in [height](#) and [occupied](#) by not more than two [families](#) on any [story](#), no bulkhead shall be required provided such [tenement](#) is equipped with a scuttle located in the ceiling of a [public hall](#) on the top [story](#) and with access thereto direct, uninterrupted and easily accessible to all tenants. All such scuttles shall be at least twenty-one inches in width and twenty-eight inches in length. They shall be constructed so as to be readily opened, covered on the outside with metal and provided with [stairs](#) or stationary iron ladders leading thereto.
4. Every required [stair](#) in every [tenement](#) erected after April eighteenth, nineteen hundred twelve, which is more than a [basement](#) and three other stories in [height](#) shall extend to and through a bulkhead in the roof. Such bulkhead shall have a [fireproof](#) door and assembly with the door self-closing and may be constructed of wood covered with metal on the outside and [fire-retarded](#) on the inside.

NEW YORK STATE
MULTIPLE DWELLING LAW

5. [Stairs](#) leading to required bulkheads shall be [fireproof](#) and constructed as specified in sections [two hundred thirty-four](#) to [two hundred thirty-eight](#) inclusive, except that any such [stairs](#) existing on April eighteenth, nineteen hundred twenty-nine, shall be permitted without [alteration](#), and that any such [stairs](#) constructed after such date in any old-law [tenement](#) may have such width and angle of ascent, and risers and treads of such dimensions, as approved by the [department](#). All [stairs](#) to required bulkheads shall be provided with a guide or hand rail.
6. Bulkhead doors and scuttles shall not be self-locking, and shall be fastened on the inside with movable bolts, hooks, or a lock which does not require a key to open it from the inside of the [dwelling](#). All key locks are unlawful and where existing shall be removed.

§234. [Stairs](#) and [public halls](#).

1. In every [tenement](#) erected after April eighteenth, nineteen hundred twelve, all [stairs](#) shall extend from the entrance [story](#) to the roof, except as otherwise provided in [section two hundred thirty-three](#), and the [stairs](#) and [public halls](#) shall each be at least three feet in clear width. Every [apartment](#) in such a [tenement](#) shall be directly accessible at each [story](#) to such [stairs](#) and [public halls](#), and every [story](#) of such [apartment](#) shall be so accessible to such a [stair](#) and [public hall](#) or to a tower [fire-escape](#) or stairway, as provided in this section and sections [two hundred thirty-five](#) to [two hundred thirty-nine](#) inclusive.
2. In every [tenement](#) erected after April twelfth, nineteen hundred one, except as provided in paragraph b of subdivision two of [section two hundred thirty-eight](#), all [stairs](#) and [public halls](#) shall be completely separated from all other [stairs](#) and from every elevator by brick walls or partitions of terra cotta blocks at least four inches thick, or hollow cement blocks at least four inches thick which have successfully withstood a three-hour standard fire test and been approved by the [department](#) and have [fireproof](#) doors and assemblies with the doors self-closing at all openings. From any portion of a [public hall](#) in such a [tenement](#) there may be a recess which shall not be deemed a [public hall](#) if the walls, floor and ceilings enclosing it are [fire-retarded](#) and such recess is at all times adequately lighted by electric lights of at least fifteen watts or equivalent illumination. Such a recess shall not be more than twenty feet long and shall not be used as a means of egress from more than three [apartments](#).

§235. [Stairs](#) in non-fireproof [tenements](#).

1. Every non-fireproof [tenement](#) erected after May fifteenth, nineteen hundred two, containing more than twenty-six [apartments](#) or suites of rooms above the entrance [story](#) shall have an additional [stair](#) for every additional twenty-six [apartments](#) or suites or fraction thereof; except that if such [tenement](#) contains not more than thirty-six [apartments](#) above the entrance [story](#), in lieu of an additional [stair](#) the [stairs](#), [stair](#) halls and entrance halls throughout the entire [tenement](#) may each be at least one-half wider than is specified in sections [two hundred thirty-four](#), [two hundred thirty-seven](#) and [two hundred thirty-eight](#).
2. The number of [apartments](#) on any [story](#) in any non-fireproof [tenement](#) may be altered, if the number of [living rooms](#) on such [story](#) is not increased by more than twenty per centum. If the number of [living rooms](#) on any [story](#) or [section](#) thereof above the entrance [story](#) exceeds twenty, there shall be an additional [stair](#) for each twenty rooms or fraction thereof on any such [story](#) or [section](#) thereof, except that if the number of [living rooms](#) on any such [story](#) or [section](#) does not exceed thirty, in lieu of an additional [stair](#) one [stair](#) and every [public hall](#)

NEW YORK STATE
MULTIPLE DWELLING LAW

connected therewith may be at least one-half wider than is specified in sections [two hundred thirty-four](#), [two hundred thirty-seven](#) and [two hundred thirty-eight](#).

3. Whenever the total number of rooms, exclusive of bathrooms, water-closet compartments, and cooking spaces less than eighty square feet in area, in any non-fireproof [tenement](#) or [section](#) thereof is decreased through the process of an [alteration](#), the number of [apartments](#) may be altered and the provisions of this section which relate to additional [stairs](#) shall not be applicable.

§236. [Stairs in fireproof tenements](#).

1. Except as in this section otherwise provided, every [fireproof tenement](#) erected after May fifteenth, nineteen hundred two, containing more than thirty-six [apartments](#) or suites of rooms above the entrance [story](#) shall have an additional [stair](#) for every additional thirty-six [apartments](#) or suites or fraction thereof.
2. If such a [tenement](#) contains not more than forty-eight [apartments](#) or suites above the entrance [story](#), in lieu of an additional [stair](#) the [stairs](#), [stair](#) halls and entrance halls throughout the entire [tenement](#) may each be at least one-half wider than is specified in sections [two hundred thirty-four](#), [two hundred thirty-seven](#) and [two hundred thirty-eight](#).
3. If such a [tenement](#) contains more than seventy-two [apartments](#) or suites but not more than eighty-four above the entrance [story](#), in lieu of three [stairs](#) there may be only two [stairs](#), provided that one of such [stairs](#) and the [stair](#) and entrance halls connected therewith are at least one-half wider than is specified in sections [two hundred thirty-four](#), [two hundred thirty-seven](#) and [two hundred thirty-eight](#).
4. For the purposes of this section a janitor's [apartment](#) in a penthouse shall not be construed as an additional [apartment](#).
5. The number of [apartments](#) on any [story](#) in any [fireproof tenement](#) may be altered, if the number of [living rooms](#) on such [story](#) is not increased by more than thirty per centum. If the number of [living rooms](#) on any [story](#) or [section](#) thereof above the entrance [story](#) exceeds thirty, there shall be an additional [stair](#) for each thirty rooms or fraction thereof on any such [story](#) or [section](#) thereof, except that if the number of [living rooms](#) on any such [story](#) or [section](#) does not exceed forty, in lieu of an additional [stair](#) one [stair](#) and every [public hall](#) connected therewith may be at least one-half wider than is specified in sections [two hundred thirty-four](#), [two hundred thirty-seven](#) and [two hundred thirty-eight](#); but in every such [tenement](#) erected before May sixteenth, nineteen hundred thirteen, and altered as herein permitted, the occupants of each additional [apartment](#) shall have access to at least two independent means of egress, which shall be made to conform to the requirements of [section two hundred thirty-one](#) for [fireproof tenements](#) erected after such date.
6. Whenever the total number of rooms, exclusive of bathrooms, water-closet compartments, and cooking spaces less than eighty square feet in area, in any [fireproof tenement](#) or [section](#) thereof is decreased through the process of an [alteration](#), the number of [apartments](#) may be altered and the provisions of this section which relate to additional [stairs](#) shall not be applicable.

§237. [Stair construction](#).

1. Every [stair](#) in a [tenement](#) erected after April twelfth, nineteen hundred one, shall be accessible on the entrance [story](#) from a street or street court, or from an inner court which connects directly with a street.

NEW YORK STATE
MULTIPLE DWELLING LAW

2. All such [stairs](#) shall have risers of eight inches or less and treads at least ten inches in clear width and three feet in clear length.
3. Winding [stairs](#) shall be unlawful except in a [tenement](#) provided with a passenger elevator. When winding [stairs](#) or radial steps are installed or used, the strings from which the risers radiate shall be curved on a circle of at least one foot diameter, the treads shall be at least four inches wide at the string, not including the nosing, and the angle formed by the face of each riser and the string shall not diverge more than forty degrees from a line normal to the string at the intersection of such riser. It shall be unlawful to construct new winding [stairs](#).
4. [Stairs](#) constructed after April eighteenth, nineteen hundred twenty-nine, shall comply with the provisions of subdivisions two to six inclusive of [section fifty-two](#).

§238. [Stair](#) and entrance halls.

All [stair](#) and entrance halls in [tenements](#) shall be constructed as provided in this section.

1. In [tenements](#) erected after April twelfth, nineteen hundred one:
 - a. On every [story](#) there shall be [fireproof](#) doors and assemblies with the doors self-closing separating every such [stair](#) and entrance hall from all non-fireproof parts of the [tenement](#).
 - b. There shall be no transom, sash or similar opening of any kind from such [stair](#) and entrance halls to any other part of the [tenement](#).
 - c. If such [tenements](#) are non-fireproof, and are [occupied](#) by three [families](#) or more on any [story](#) or are five stories or more in [height](#), the [stair](#) and entrance halls shall be enclosed with brick walls, except as provided in paragraph a of subdivision three.
2. In [tenements](#) erected after April fourteenth, nineteen hundred three:
 - a. Every entrance hall shall be at least three feet six inches in clear width from the entrance up to and including the [stair](#) enclosure, and beyond that at least three feet in clear width. If such entrance hall is the only entrance to two [stairs](#) or more, that portion of the hall between the entrance and the first [stair](#), including the [stair](#) enclosure, shall be at least five feet three inches in clear width.
 - b. Such halls shall comply with the requirements of sections [two hundred thirty-four](#) to [two hundred thirty-seven](#) inclusive as to construction of [stair](#) and entrance halls, except that if such [tenements](#) are [fireproof](#) entrance hall enclosures need only withstand a fire test of two and one-half hours and angle iron construction may be substituted for brick walls.
 - c. In every such [tenement](#) access shall be provided from a street to the yard either in a direct line or through a court.
 - d. If such [tenements](#) are [occupied](#) by not more than two [families](#) on any [story](#) and are not more than four stories in [height](#), the floors of the [stair](#) and entrance halls shall be [fireproof](#) or filled in between the floor beams with at least five inches of concrete deafening. The [stairs](#) shall be [fireproof](#), or may be of wood provided the soffits of the [stairs](#) are [fire-retarded](#), or covered with plaster board at least one-half inch thick, with all joints true and well pointed. The [stair](#) and entrance halls in such [tenements](#) shall be enclosed on all sides with brick walls or with partitions of angle iron and [fireproof](#) blocks four inches or more in thickness, except as provided in paragraph e.
 - e. If such [tenements](#) are [occupied](#) by not more than two [families](#) on any [story](#) and are not more than three stories in [height](#), the [stair](#) and entrance halls may be enclosed in wood stud partitions, [fire-retarded](#) on both sides, or covered with plaster board at least one-half inch thick, with all joints true and well pointed and with the spaces between the studs filled in with brick to the [height](#) of the floor beams.

NEW YORK STATE
MULTIPLE DWELLING LAW

3. In [tenements](#) erected after April eighteenth, nineteen hundred twelve:
 - a. If such [tenements](#) are [occupied](#) by three or more [families](#) on any [story](#), or are five stories or more in [height](#), the [stairs](#) and entrance halls shall be [fireproof](#) throughout and all [stairs](#) provided with handrails, except that [stair](#) treads two inches or more in thickness and handrails may be of hard wood. All windows in such halls shall be [fireproof](#) and, except for windows opening on a street in a [tenement](#) six stories or less in [height](#), shall be glazed with wire glass. Such halls shall be enclosed with brick walls, except that one or more sides may be left open to a street, yard or court.
 - b. [Public halls](#) which are more than forty feet in length and are used as a means of egress from four or more [apartments](#) shall be [fireproof](#) throughout and doors opening therefrom and their assemblies shall be [fireproof](#) with the doors self-closing.
4. In old-law [tenements](#) four stories or more in [height](#):
 - a. Whenever the entrance halls of any such [tenements](#) adjoin they shall be separated by a [fire-retarded](#) wall.
 - b. The walls and ceilings of every entrance hall and [stair](#) hall, and every [public hall](#) connected therewith, and the soffit of every [stair](#) shall be [fire-retarded](#). In all such halls all wood wainscoting except a flat base and [stair](#) stringers ten inches or less in [height](#), and all wood railings, balustrades and newel posts shall be removed completely and replaced with metal or other hard incombustible materials of such size and secured in such manner as may be approved by the [department](#), except that handrails may be of hard wood.
 - c. Every door opening into any entrance hall or [stair](#), or into any [public hall](#) connected therewith, shall be self-closing; every glazed opening or glazed panel in such a door shall be glazed with wire glass, and every transom opening into any [public hall](#) shall be glazed with wire glass and permanently secured in a closed position.
 - d. Every interior sash, or opening other than a door, in the walls or partitions of such halls, and every window therein not opening to the outer air, shall be removed and the openings closed up and [fire-retarded](#).

§239. Tower [fire-escapes](#) and supplemental [stairs](#).

In [fireproof tenements](#) tower [fire-escapes](#) or [stairs](#) which are supplemental to the [stairs](#) required by law may be installed providing such tower [fire-escapes](#) or [stairs](#) shall be shut off from all other parts of the [dwelling](#) by brick walls or partitions of terra cotta blocks at least four inches thick, or hollow cement blocks at least four inches thick which have successfully withstood a three-hour standard fire test and been approved by the [department](#), and have [fireproof](#) doors and assemblies with the doors self-closing at all openings. Whenever such supplementary [stairs](#) are provided they shall be constructed in accordance with such supplementary regulations as may be adopted by the [department](#). Such tower [fire-escapes](#) or [stairs](#) shall not be used as service [stairs](#) and shall be kept adequately lighted at all times and free from encumbrance.

§240. First tier of beams.

1. In all [tenements](#) erected after April twelfth, nineteen hundred one, which are five stories or more in [height](#), the first floor above the lowest [cellar](#), or, if there be no [cellar](#), above the [basement](#) or other lowest [story](#), shall be [fireproof](#); and all exposed portions of any iron or steel beams below the floor arches shall be [fire-retarded](#).
2. In all non-fireproof [tenements](#) erected after such date which are four stories or less in [height](#), the ceiling of the lowest [cellar](#), or, if there be no [cellar](#), of the [basement](#) or other lowest [story](#),

NEW YORK STATE
MULTIPLE DWELLING LAW

shall be [fire-retarded](#) or covered with plaster boards at least one-half inch in thickness, with all joints made true and well pointed.

3. In all old-law [tenements](#) which are four stories or more in [height](#) the ceiling of the [cellar](#), or, if there be no [cellar](#), of the [basement](#) or other lowest [story](#), shall be [fire-retarded](#).

§241. Partitions; [fire-stopping](#).

1. In [tenements](#) erected after April eighteenth, nineteen hundred twelve, wood stud [apartment](#) partitions which are directly over each other shall run through the wood floor beams and rest upon the plate of the partition below. In [fireproof tenements](#) erected after such date all partitions shall rest directly upon the [fireproof](#) floor construction and extend to the [fireproof](#) beam filling above. [Apartment](#) partitions within the meaning of this section are partitions crossing the floor beams at any angle and separating one [apartment](#) from another or any part of an [apartment](#) from any [public part](#) of the [dwelling](#).
2. In [tenements](#) erected after April eighteenth, nineteen hundred twelve, [apartment](#) studding shall be filled in solidly between the uprights to the [depth](#) of the floor beams with incombustible materials.
3. In non-fireproof [tenements](#) erected after April twelfth, nineteen hundred one, in every wall where wood furring is used, every course of masonry from the under side to the top of any floor beams shall project a distance of two inches or more beyond each face of the wall that is not on the outside of the [dwelling](#), so as to provide an effective fire stop; and whenever floor beams run parallel to a wall and wood furring is used, every such beam shall always be kept two inches away from the wall, and the space between the beams and the wall shall be built up solidly with brickwork from the underside to the top of the floor beams so as to form an effective fire stop.

§242. [Cellar](#) and [basement stairs](#) in non-fireproof [tenements](#).

1. [Cellar stairs](#) in non-fireproof [tenements](#) erected after April twelfth, nineteen hundred one, which are [occupied](#) by three [families](#) or more on any [story](#) or which are five stories or more in [height](#), shall be governed by the provisions of section [one hundred fifty](#) for [non-fireproof multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine. In all other non-fireproof [tenements](#) erected after April twelfth, nineteen hundred one, any [stair](#) leading to a [cellar](#) may be located inside the building, provided it is enclosed with [fireproof](#) walls and is provided with [fireproof](#) doors and assemblies at both the top and bottom, with the doors self-closing.
2. In old-law [tenements](#) exceeding a [basement](#) and three other stories in [height](#) and provided with an inside [cellar stair](#) communicating between the entrance [story](#) and a [cellar](#) or lower [story](#), the opening to such [stair](#) if located underneath the main [stair](#) leading to the upper stories shall be enclosed from the level of the entrance [story](#) up to the underside of the first flight of such main [stairs](#). The soffit of such first flight of main [stairs](#) and the partitions forming such enclosure shall be [fire-retarded](#) or covered with twenty-six gauge metal. The opening to such enclosure shall be provided with a [fireproof](#) door and assembly with the door self-closing.

§243. [Cellar](#) and [basement stairs](#) in [fireproof tenements](#).

In [fireproof tenements](#) erected after April eighteenth, nineteen hundred twelve, the [cellar](#) and [basement stairs](#) shall be located,

NEW YORK STATE
MULTIPLE DWELLING LAW

arranged and constructed as provided in [section one hundred six](#) for [fireproof dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine.

§244. Spaces under [stairs](#).

In non-fireproof [tenements](#) erected after April twelfth, nineteen hundred one, no closet of any kind shall be constructed or maintained under any [stair](#) leading from the entrance [story](#) to the upper stories, and such space shall be kept entirely open and clear of any encumbrance.

§245. [Cellar](#) entrance.

In [tenements](#) erected after April twelfth, nineteen hundred one, there shall be an entrance to the [cellar](#), or to the [basement](#) or other lowest [story](#) if there be no [cellar](#), from the outside of the [tenement](#).

TITLE 2-A
SINGLE ROOM OCCUPANCY

§248. [Single room occupancy](#).

1. It shall be unlawful to occupy any frame [multiple dwelling](#) for [single room occupancy](#). It shall be unlawful to occupy any other existing [class A dwelling](#) or part thereof as a [rooming house](#) or furnished room house or for [single room occupancy](#) unless such [dwelling](#) or part shall conform to the provisions of this section and to such other provisions of this chapter as were applicable to such [dwelling](#) before such conversion. This section shall not be construed to prohibit the letting by a [family](#) of one or more rooms within their [apartment](#) to not more than a total of four boarders, roomers or lodgers provided, however, that every room in such [apartment](#) shall have free and unobstructed access to each required exit from such [apartment](#) as required by the provisions of paragraphs a, b and c of subdivision four of this section. A [dwelling occupied](#) pursuant to this section shall be deemed a [class A dwelling](#) and [dwelling units occupied](#) pursuant to this section shall be [occupied](#) for permanent residence purposes, as defined in paragraph a of subdivision eight of [section four](#) of this chapter.
2. Any such [dwelling](#) may be so [occupied](#) without increasing the number of [stairs](#).
3. The number of rooms shall not be increased nor shall the light or ventilation of any room be impaired.
4.
 - a. No room in any [apartment](#) shall be so [occupied](#) unless each room therein shall have free and unobstructed access to each required means of egress from the [dwelling](#) without passing through any sleeping room, bathroom or water-closet compartment.
 - b. There shall be access to a second means of egress within the [apartment](#) without passing through any public [stair](#) or [public hall](#). On and after July first, nineteen hundred fifty-seven every [tenement](#) used or [occupied](#) for [single room occupancy](#) in whole or in part under the provisions of this section and which does not have at least two means of egress accessible to each [apartment](#) and extending from the ground [story](#) to the roof, shall be provided with at least two means of egress, or, in lieu of such egress, every [stair](#) hall or [public hall](#), and every hall or passage within an [apartment](#), shall be equipped on each [story](#) with one or more automatic sprinkler heads approved by the [department](#). Elevator [shafts](#) in such [tenements](#) shall be completely enclosed with [fireproof](#) or other incombustible material and the doors to such [shafts](#) shall be [fireproof](#) or shall be covered on all sides with incombustible material.

NEW YORK STATE
MULTIPLE DWELLING LAW

- c. Where access to a required means of egress is provided through a room, such access to such room shall be through a clear opening at least thirty inches wide extending from floor to ceiling and such opening shall not be equipped with any door or door frame, or with any device by means of which the opening may be closed, concealed or obstructed.
 - d. All doors which open to any [public hall](#) or required [stair](#) hall and the door assemblies shall be [fireproof](#) with the doors self-closing.
 - e. All doors opening from any room to any hall or passage within an [apartment](#) shall be self-closing and all transoms within an [apartment](#) shall be permanently closed. All plain glass shall be removed from such doors and transoms and replaced with wire glass, wood or other non-shatterable material satisfactory to the [department](#).
 - f. Directly over the opening to every required means of egress within an [apartment](#), there shall be a sign of a type approved by the [department](#) marked "Fire Exit" and lighted in red at all times to indicate clearly the location of the means of egress, and on the walls of any hall or passage within the [apartment](#) leading to such means of egress there shall be maintained at all times arrows to indicate clearly the direction and location of the fire exit.
 - g. Every hall or passage within an [apartment](#) shall be unobstructed and well lighted at all times with a minimum of one foot-candle of light.
 - h. All wood wainscoting except a flat base not exceeding ten inches in [height](#) shall be removed from every hall or passage within an [apartment](#).
5. In every such [dwelling](#) which is not [fireproof](#) every hall or passage within an [apartment](#) shall be equipped with a sprinkler system, which shall be extended so as to have at least one sprinkler head in every room. The construction and arrangement of such sprinkler system shall comply with the requirements of the [department](#).
 6. There shall be provided in each such [dwelling](#) an adequate and reliable fire alarm system, approved by the fire commissioner by means of which alarms of fire or other danger may be instantly communicated to every portion of the [dwelling](#). Where, throughout the [dwelling](#), a closed-circuit, automatic thermostatic fire-detecting system is installed which actuates an interior fire alarm system, or where, throughout the [dwelling](#), an approved-type automatic sprinkler system is installed which actuates an interior fire alarm system by the flow of water through such sprinkler system, a watchman need not be provided as required in subdivision fifteen of this section.
 7. There shall be a [fire-retarded](#) bulkhead in the roof connecting directly with the highest portion of any stairway to the roof, which bulkhead shall contain a [fireproof](#) door and assembly with the door self-closing. The [stairs](#) leading to such bulkhead shall be [fireproof](#) or [fire-retarded](#) as required for public stairways in the other parts of such [dwelling](#).
 8.
 - a. Every wash basin, bath, shower, sink and laundry tub shall be provided with an adequate supply of hot and cold water.
 - b. When the number of occupants of such a [dwelling](#) is eleven or more, there shall be provided for them in such [dwelling](#) at least one laundry tub and facilities for drying clothes.
 9. Cooking shall be permitted only in kitchens and cooking spaces complying with the provisions of [section thirty-three](#). Any gas fixture in such spaces shall be connected with permanent, rigid piping. The use of any movable cooking apparatus in any sleeping room is unlawful.

NEW YORK STATE
MULTIPLE DWELLING LAW

10.
 - a. There shall be a central heating system adequate to heat every sleeping room in a [dwelling](#) to the temperature requirements prescribed by subdivision one of [section seventy-nine](#) of this chapter.
 - b. The use of any movable heating apparatus in any sleeping room is unlawful.
 - c. Every boiler room shall be constructed in accordance with the provisions of section sixty-five and shall be adequately ventilated.
11.
 - a. No room may be [occupied](#) for sleeping purposes unless it has a window or windows with an aggregate glazed area of at least ten per centum of the total floor area of such room. Each such window shall be at least twelve feet in area and so constructed that at least half of its area may be opened.
 - b. Any room on a top [story](#) may be lighted and ventilated by a skylight of the same area as required for windows and arranged to provide an opening of at least six square feet for ventilation.
 - c. In every sleeping room, except a room on the top [story](#) so lighted and ventilated, there shall be at least one window meeting the requirements of [section two hundred thirteen](#), except as otherwise specified in this subdivision, opening upon a street or upon a yard, court or [shaft](#) meeting the requirements of [section two hundred twelve](#), but in no case shall such a court or [shaft](#) be less than twenty-eight inches in width.
 - d. Every room shall be adequately lighted by electricity. The use of gas or any other type of open flame lighting is unlawful.
12. No room may be [occupied](#) for sleeping purposes by more than two adults considering children of twelve years or more as adults and two children between the ages of two and eleven years inclusive as the equivalent of one adult. Children under two years of age need not be considered as occupants.
13. Every room rented for [single room occupancy](#) and all furniture and bedding therein shall be thoroughly cleansed before occupancy and every sleeping room at least once a week thereafter. When bed linens are provided they shall be changed at least once every week. When the rent includes the use of towels, at least one bath towel and two hand towels shall be provided every week for each occupant. Such cleansing and service shall be the exclusive obligation of the person from whom the occupant rents such room.
14. Except as provided in subdivision thirteen, the [owner](#) shall maintain the [dwelling](#) in conformity with [section eighty](#) relating to cleanliness.
15. There shall be a competent manager living on the [premises](#), who shall be responsible for the conduct, operation and maintenance of the [dwelling](#), and, except as provided in subdivision six of this section, there shall also be on the [premises](#) at all times a competent watchman in charge of the [dwelling](#).
17. In each such [dwelling](#) a register shall be kept, which shall show the name, signature, residence, date of arrival and date of departure of each occupant and the room [occupied](#) by him.

NEW YORK STATE
MULTIPLE DWELLING LAW

TITLE 3
SANITATION

§250. Water-closets.

Water-closet compartments in [tenements](#) shall comply with the applicable provisions of [section seventy-six](#).

§251. Vent flues.

Supplementary water-closet compartments and bathrooms in [fireproof tenements](#) shall be ventilated and lighted in accordance with the applicable provisions of [section seventy-six](#).

§252. Privacy.

In every [apartment](#) of three or more rooms in any [tenement](#) erected after April twelfth, nineteen hundred one, there shall be access to every [living room](#) and bedroom and to at least one compartment or bathroom containing a water-closet without passing through any bedroom.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 7-A
TEMPORARY PROVISIONS

***§260. Recovery of rent for certain non-complying premises restricted during emergency period.**

1. Legislative finding. It is hereby declared that in cities of this state with a population of over one million there exists an acute shortage of dwelling accommodations available to low-income families; that many dwellings formerly occupied by them have been and are continuing to be vacated and demolished because of structural inadequacy or danger, obsolescence and dilapidation, or because owners have refused to comply with the law, or for other reasons; that the freedom of contract has been impaired in consequence thereof, and unjust, unreasonable and oppressive increases in the rents of dwelling accommodations available to such families are being and will continue to be exacted; that world war II has necessitated an almost complete paralysis of building construction; that the extent of construction of decent, safe and sanitary dwellings, conforming with the minimum standards prescribed by law, has failed to produce a sufficient number of dwellings for the accommodation of families unable to pay higher rentals; that there has been a rapid absorption of rentable vacancies in said dwellings and a sharp increase in rentals; that such communities are threatened with wholesale evictions; that an emergency exists by reason of these conditions, which constitute a menace to the health, safety, morals, welfare and comfort of the citizens of the state, undermine the standard of living of a large number thereof, tend to impair and impede the enforcement of existing statutes, cause overcrowding and congestion, foster crime, encourage the spread of vice and disease and increase the death rate; that adequate housing accommodations to relieve the hardships and suffering resulting therefrom cannot be sufficiently provided, with or without public assistance, during the period of the emergency as herein declared; and the necessity for legislative intervention, by the enactment of the provisions of this section and their application until July first, nineteen hundred forty-nine, is hereby declared as a matter of legislative determination, and the provisions of this section shall remain in force and effect only until such date.
2. For the period during which any old-law tenement or any converted dwelling shall fail to comply with the applicable provisions of article six or seven, as the case may be, no rent therefor or for any part thereof shall be recovered by the owner, nor shall any action or special proceeding be maintainable for such rent or to recover possession of such dwelling or part thereof for non-payment of rent, except rent at such rate as shall not exceed the lowest rent charged therefor for any month between September thirtieth, nineteen hundred thirty-seven, and April first, nineteen hundred forty-three.
3. In any such action or special proceeding in which there shall be interposed a defense that the dwelling fails to comply with the applicable provisions of article six or seven or that the rent demanded exceeds the lowest rent charged for any month between September thirtieth, nineteen hundred thirty-seven, and April first, nineteen hundred forty-three, the burden of proof shall be upon the party seeking to recover rent or possession.
4. A certification by the department of the results of a search made by the department shall be admissible as presumptive evidence of the existence or non-existence of any violation of article six or seven as in such certificate specified.

*NB Expired July 1, 1949

NEW YORK STATE
MULTIPLE DWELLING LAW

***§261. Recovery of possession of certain non-complying premises restricted during emergency period.**

1. Legislative finding. The public emergency which existed at the time of the enactment of and which was declared in chapter six hundred seventy-five of the laws of nineteen hundred thirty-eight, and in acts amendatory thereof, having continued and still existing, there having been and there being an acute shortage of such dwellings, and the intents and purposes of such provisions having, in a great many instances, been circumvented by landlords giving their tenants thirty days' notice terminating their tenancy and instituting proceedings for their removal, the necessity for legislative intervention, by the enactment of the provisions of this section, and their application, until July first, nineteen hundred forty-nine, is hereby declared as a matter of legislative determination, and the provisions of this section shall remain in force and effect only until such date.
2. For the period during which any old-law tenement or any converted dwelling shall fail to comply with the applicable provisions of article six or seven, no action or proceeding by an owner to recover possession of such dwelling or any part thereof from a tenant and to remove such tenant therefrom for the reason that the tenant holds over and continues in possession of the demised dwelling or any part thereof after the expiration of his term without the permission of the owner, shall be maintainable except:
 - a. A proceeding to recover such possession upon the ground that the person is holding over and is objectionable, in which case the owner shall establish to the satisfaction of the court that the person holding over is objectionable; or
 - b. A proceeding when the owner of record of the dwelling, being a natural person, seeks in good faith to recover possession of a room or rooms therein for the immediate and personal occupancy by himself and his family as a dwelling; or
 - c. A proceeding where the petitioner shows to the satisfaction of the court that he desires in good faith to recover the dwelling for the purpose of altering or demolishing the same with the intention of providing or constructing more dwelling units, plans for which shall have been duly approved by the department in accordance with the provisions of any applicable local law.
 - d. In pending proceedings for the recovery of such dwelling on the grounds that the occupant holds over after the expiration of his term, a warrant shall not be issued unless the petitioner establishes to the satisfaction of the court that the proceeding is one mentioned in the exceptions enumerated in this subdivision.
3. The provisions of this section shall not be construed to apply to an action or proceeding by an owner to recover possession of such dwelling or any part thereof from a tenant and to remove such tenant therefrom for the reason that the tenant holds over and continues in possession of the demised dwelling or any part thereof without the permission of the owner after a default in the payment of the rent.

*NB Expired July 1, 1949

§262. Alteration of uncompleted buildings.

The provisions of this chapter relating to multiple dwellings erected after April eighteenth, nineteen hundred twenty-nine, shall not apply to any fireproof building structurally enclosed but uncompleted on April first, nineteen hundred forty- five, conforming to the provisions of the local zoning law or resolution applicable to an apartment hotel, in effect at the time of the approval of the original plans filed for the construction of such building, and which building shall thereafter be altered and completed as a

NEW YORK STATE
MULTIPLE DWELLING LAW

[class A multiple dwelling](#), in accordance with plans and amendments thereto approved by the [department](#). Such building, if so altered and completed on or before July first, nineteen hundred forty-eight, may be lawfully [occupied](#) thereafter as a [class A multiple dwelling](#) if it conforms with the provisions of [section twenty-five](#) applicable to [fireproof class A multiple dwellings occupied](#) as such before April eighteenth, nineteen hundred twenty-nine.

***§264. Conversion of certain [dwellings](#).**

1. Notwithstanding any inconsistent provision of this chapter or of any other law, it shall be lawful until July first, nineteen hundred forty-nine, for any [owner](#) to convert a [non-fireproof dwelling](#) which is not of frame construction, not more than a [basement](#) and two additional stories in [height](#), and not [occupied](#) by more than two [families](#), for occupancy by not more than three [families](#), in accordance with the provisions of this section, providing such [dwelling](#) was existing on April eighth, nineteen hundred forty-six, or was erected thereafter under plans on file with the [department](#) on or before such date.
2. The provisions of article [six](#) of this chapter shall not apply to conversion of [dwellings](#) under this section, except in so far as compliance therewith is expressly required as provided in or pursuant to this section.
3. Conversion of such [dwellings](#) under this section must be made:
 - a. In full compliance with the provisions of sections [one hundred seventy-six](#), [one hundred seventy-seven](#), and [one hundred eighty-eight](#), of subdivision two of [section one hundred eighty-nine](#), and of [section two hundred](#);
 - b. In full compliance with the provisions of [section one hundred eighty-five](#), except that if a [cellar](#) ceiling is plastered and in good repair only the area of the ceiling over any boiler located in the [cellar](#) and for three feet beyond need be covered with fire-retarding material;
 - c. In full compliance with the provisions of [section one hundred eighty-seven](#) unless such conversion was completed under authority of this section before July first, nineteen hundred forty-seven, and
 - d. In compliance with such additional provisions of article [six](#) of this chapter, and no other, as may be specifically required by, and in accordance with, rules and regulations of the [department](#) where the conversion is proposed to be made.
4. A plan of [alteration](#) to effect conversion of any such [dwelling](#) under this section shall be filed with such department and, when approved by it, shall constitute a lawful plan for three family occupancy of such [dwelling](#).

*NB Expired July 1, 1949

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 7-B

JOINT LIVING-WORK QUARTERS FOR [ARTISTS](#), OR GENERAL
RESIDENTIAL OCCUPANCY OF LOFT, COMMERCIAL OR
MANUFACTURING BUILDINGS

§275. Legislative findings.

It is hereby declared and found that in cities with a population in excess of one million, large numbers of loft, manufacturing, commercial, institutional, public and community facility buildings have lost, and continue to lose, their tenants to more modern [premises](#); and that the untenanted portions of such buildings constitute a potential housing stock within such cities which is capable, when appropriately altered, of accommodating general residential use, thereby contributing to an alleviation of the housing shortage most severely affecting moderate and middle income [families](#), and of accommodating joint living-work quarters for [artists](#) by making readily available space which is physically and economically suitable for use by persons regularly engaged in the arts. There is a public purpose to be served by making accommodations readily available for joint living-work quarters for [artists](#) for the following reasons: persons regularly engaged in the arts require larger amounts of space for the pursuit of their artistic endeavors and for the storage of the materials therefor and of the products thereof than are regularly to be found in [dwellings](#) subject to this article; that the financial remunerations to be obtained from pursuit of a career in the arts are generally small; that as a result of such limited financial remuneration persons regularly engaged in the arts generally find it financially impossible to maintain quarters for the pursuit of their artistic endeavors separate and apart from their places of residence; that the cultural life of cities of more than one million persons within this state and of the state as a whole is enhanced by the residence in such cities of large numbers of persons regularly engaged in the arts; that the high cost of land within such cities makes it particularly difficult for persons regularly engaged in the arts to obtain the use of the amounts of space required for their work as aforesaid; and that the residential use of the space is secondary or accessory to the primary use as a place of work. It is further declared that the legislation governing the [alteration](#) of such buildings to accommodate general residential use must of necessity be more restrictive than statutes heretofore in effect, which affected only joint living-work quarters for [artists](#). It is the intention of this legislation to promulgate statewide minimum standards for all [alterations](#) of non-residential buildings to residential use, but the legislature is cognizant that the use of such buildings for residential purposes must be consistent with local zoning ordinances. The legislature further recognizes that it is the role of localities to adopt regulations which will define in further detail the manner in which [alterations](#) should be carried out where building types and conditions are peculiar to their local environment.

§276. Definition of an artist.

As used in this article, the word "[artist](#)" means a person who is regularly engaged in the fine arts, such as painting and sculpture or in the performing or creative arts, including choreography and filmmaking, or in the composition of music on a professional basis, and is so certified by the city department of cultural affairs and/or state council on the arts.

§277. Occupancy permitted.

Any building in any city of more than one million persons which at any time prior to January first, nineteen hundred seventy-seven was [occupied](#) for loft, commercial, institutional, public, community facility or manufacturing purposes, may, notwithstanding any other article of this chapter, or any provision of law covering the same subject matter (except as otherwise required by the local zoning law or resolution), be [occupied](#) in whole or in part for joint living-work

NEW YORK STATE
MULTIPLE DWELLING LAW

quarters for [artists](#) or general residential purposes if such occupancy is in compliance with this article. Such occupancy shall be permitted only if the following conditions are met and complied with.

1.
 - (a) The exterior walls of the building shall be non-combustible and have a fire-resistive rating of at least three hours unless the exterior wall or walls, measured on a horizontal plane perpendicular to said exterior wall or walls, is a minimum of thirty feet distant in a direct unobstructed line from another [structure](#), except that a wet pipe sprinkler system, with maximum sprinkler spacing of four feet, must be provided along such wall or walls to protect exposed, unrated columns or beams at the interior of the wall in non-fireproof buildings.
 - (b) Window openings in exterior walls shall conform with the limitations of table 3-4 chapter twenty-six of the administrative code of the city of New York, unless such windows are fire protected and provided with either a minimum of one sprinkler head per window or window automatic closing devices, acceptable to the department of buildings.
2. The building
 - (a) is of [fireproof](#) construction, as provided in [section one hundred one](#) of this chapter, or is of class two construction, as provided by the requirements of the [building code and regulations of the city of New York in effect prior to December sixth, nineteen hundred sixty-eight](#); or
 - (b) if non-fireproof, does not exceed a [height](#) of six stories, and eighty-five feet measured to the ceiling of the highest floor in a [depth](#) of one hundred feet; or does not exceed a [height](#) of seven stories, and eighty-five feet and a [depth](#) of one hundred feet and is wet sprinklered throughout; and has a maximum floor area between the two hour rated partitions constructed in accordance with section C26-504.2 of the administrative code of the city of New York of:
 - (i) three thousand square feet; or
 - (ii) five thousand square feet if the building is six stories or less in [height](#) and is fully wet sprinklered; or
 - (iii) five thousand square feet if the building is seven stories in [height](#) and is fully wet sprinklered and has a stand pipe system; or
 - (iv) ten thousand square feet if the building is fully wet sprinklered and has one hour rated ceilings.
 - (c) complies with the requirements of table 3-4 chapter twenty-six of the administrative code of the city of New York for J-2 occupancy.
3. Any part of the building may be [occupied](#) for manufacturing and commercial purposes (as permitted by local zoning law or resolution), provided, however, that only the second [story](#) and below may be [occupied](#) for uses listed as medium fire hazard in rules of the board of standards and appeals implementing the labor law unless the entire building is wet sprinklered; in addition, high fire hazard occupancies shall not be permitted in any portion of the building.
4. All areas [occupied](#) for manufacturing or commercial purposes shall be protected by an approved wet-pipe automatic sprinkler system. Such wet-pipe automatic sprinkler system shall extend to and include [public hallways](#) and stairways coincidentally serving residential occupancies.

NEW YORK STATE
MULTIPLE DWELLING LAW

5. All occupancies or tenancies shall be separated by a vertical fire separation, extending to the underside of the floor above and having a minimum fire-resistance rating of at least one hour and conform in all respects with applicable zoning regulations. No separation shall be required between the working and living portions of a joint living-work quarters for [artists](#).
6. The building
 - (a) complies with all requirements imposed on old-law [tenements](#) by sections [two hundred twelve](#) and [two hundred sixteen](#) of this chapter and on [converted dwellings](#) by sections [one hundred eighty-five](#), [one hundred eighty-six](#), [one hundred eighty-eight](#), [one hundred eighty-nine](#), [one hundred ninety](#), [one hundred ninety-one](#) and [one hundred ninety-four](#) of this chapter, in addition to those provided in [section two hundred seventy-eight](#) of this article and
 - (b) complies with the standards of lighting, ventilation, size of rooms, alcoves and balconies contained in section C26-1205.0 through and including sections C26-1205.5 and C26-1205.7 of the administrative code of the city of New York, except as otherwise provided in paragraph (d) of subdivision seven of this section.
7. Minimum light and air standards for joint living-work quarters for [artists](#) or general residential portions of lofts or manufacturing and commercial buildings altered to residential use shall comply with the following:
 - (a) Portions of such buildings which are [occupied](#) exclusively as joint living-work quarters for [artists](#) as permitted by local law shall comply with the following:
 - (i) The minimum size of a joint living-work quarters for [artists](#) shall be twelve hundred square feet of interior space, except as otherwise authorized by the zoning resolution of the city of New York, for units [occupied](#) for residential purposes on or before January first, nineteen hundred eighty-five.
 - (ii) Joint living-work quarters for [artists](#) shall conform to the standards for light and ventilation of sections C26-1205.0 through and including section C26-1205.7 of the administrative code of the city of New York.
 - (b) Portions of such buildings which are [occupied](#) exclusively as residential units as permitted by local law shall comply with the following:
 - (i) Every [dwelling](#) unit shall have one or more windows:
 - A. which open onto a street, a court with a dimension of fifteen feet perpendicular to the windows and one hundred square feet minimum area above a setback or a thirty foot [rear yard](#); or
 - B. for [corner lots](#) or [lots](#) within one hundred feet of a corner, where the minimum horizontal distance between such windows opening onto a [rear yard](#) and the [rear lot](#) line is at least twenty feet; or
 - C. for [interior lots](#), where the minimum horizontal distance between such windows opening onto a [rear yard](#) and any wall opposite such windows on the same or another zoning [lot](#) is at least twenty feet and not less than a distance equal to one-third of the total [height](#) of such wall above the sill [height](#) of such windows; but need not exceed forty feet; or
 - D. for [interior lots](#) where the minimum horizontal distance between such windows opening onto a [rear yard](#) and any wall opposite such windows on the same or another zoning [lot](#) is at least fifteen feet and the minimum size of such [dwelling](#) unit is twelve hundred square feet; or

NEW YORK STATE
MULTIPLE DWELLING LAW

- E. in no event shall the distance between such windows and the [rear lot](#) line be less than five feet; and
 - F. yards and courts may be existing or may be new in buildings seven stories or less in [height](#).
- (ii) The minimum required ratio of window area opening onto a street, rear yard, or court to the floor area of every [living room](#) shall:
- A. be ten percent where the floor area of such [living room](#) is less than five hundred square feet; or
 - B. decrease, by one percent for every one hundred square feet greater than five hundred square feet of floor area of such [living room](#), to a minimum of five percent; and
 - C. in no event shall the distance between such window area and the rear [lot](#) line be less than five feet; and
 - D. at least fifty percent of the required window area shall be openable.
- (c) Ventilation of spaces other than [living rooms](#), including enclosed work spaces for joint living-work quarters for [artists](#) shall be either in accordance with this section or in accordance with the administrative code of the city of New York.
- (d) No building converted pursuant to this article shall be enlarged, except where the underlying zoning district permits residential use. Such an enlargement shall be in conformance with the bulk regulations for conforming residential use for new construction and shall be in conformance with the provisions of [section twenty-six](#) of this chapter. No interior floor area enlargement shall be permitted except that a mezzanine with a minimum headroom of seven feet shall be allowed within individual [dwelling](#) units, provided that the gross floor area of such mezzanine does not exceed one-third of the floor area contained within such [dwelling](#) unit. No mezzanine shall be included as floor area for the purpose of calculating the minimum required size of a [living room](#) or a [dwelling](#) unit or for calculating floor area devoted to [dwellings](#). For the purpose of this article a mezzanine may be constructed above the level of the roof of a building as long as the aggregate area of roof [structures](#) does not exceed one-third of the total roof area and the roof [structures](#) conform with applicable building code requirements.
- (e) The kitchen located within [dwelling](#) units and having a floor area of eighty square feet or more shall have natural ventilation as prescribed in sections 27-749 and 27-750 of chapter twenty-seven of the administrative code of the city of New York. Open kitchens shall be considered as part of the adjacent space where forty percent of the area of the separation between the spaces is open and without doors. If the floor area of the combined space exceeds seven hundred fifty square feet, a separate bedroom shall not be required. When the floor area is less than eighty square feet the kitchenette shall be ventilated by either of the following:
- (i) Natural means complying with sections 27-749 and 27-750 of chapter twenty-seven of the administrative code of the city of New York and further that the windows shall have a minimum width of twelve inches, a minimum area of three square feet, or ten percent of the floor area of the space, whichever is greater and be so constructed that at least one-half of their required area may be opened. When the space is located at the top [story](#), the window or windows may be replaced with a skylight whose minimum width shall be twelve inches, whose minimum area shall be four square feet

NEW YORK STATE
MULTIPLE DWELLING LAW

- or one-eighth of the floor area of the space, whichever is greater and which shall have ventilation openings of at least one-half of the required area of the skylight.
- (ii) Mechanical means exhausting at least two cubic feet per minute of air per square foot of floor area. Where doors are to be used to separate the space, the lower portion of each door shall have a metal grill containing at least forty-eight square inches of clean openings or in lieu of such grill, two clear opening spaces may be provided, each of at least twenty-four square inches, one between the bottom of each door and the floor and the other between the top of each door and the head jamb.
- (f) When bathrooms and toilet rooms are ventilated by natural means, the natural ventilation sources shall comply with sub-article 1205.0 of chapter twenty-six of the administrative code of the city of New York and shall have an unobstructed free area of at least five percent of the floor area. In no case shall the net free area of the ventilation sources be less than one and one-half square feet. When bathrooms and toilet rooms are vented by mechanical means, individual vent [shafts](#) or ducts constructed of non-combustible materials with a minimum cross section area of one square foot shall be utilized, the exhaust system shall be capable of exhausting at least fifty cubic feet per minute of air. Means shall be provided for egress of air by louvers in doors, by undercutting the door, or by transfer ducts, grills or other openings. Toilet exhaust systems shall be arranged to expel air directly to the outdoors.
- (g) A single station smoke detector shall be installed immediately outside each sleeping or bedroom area of each [dwelling](#) unit. Such device shall be designed and installed so as to detect smoke and activate an alarm, be reasonably free from false alarms and provide visible indication that the alarm is energized. Such device shall be directly connected to the lighting circuit of the [dwelling](#) or rooming unit with no intervening wall switch and shall provide a warning signal clearly audible in all sleeping quarters with intervening doors closed. Cord connected installations or smoke detectors which rely exclusively on batteries are not permissible. Such devices shall either be approved or listed by an acceptable testing service or laboratory.
8. All openings from [apartments](#) leading into a [public hall](#) or corridor shall be provided with [fireproof](#) doors and assemblies with the doors self-closing. Partitions between [apartments](#) on each floor shall be one hour fire rated partitions. All windows opening on [fire escapes](#) shall be provided with wire glass, unless such windows are protected by a wet pipe sprinkler head with a minimum of one head per window.
9. Such buildings, in regard to egress, shall comply with the following:
- (a) In a non-fireproof building there shall be:
- (i) one independently enclosed stairway and a [fire escape](#) from each [dwelling](#) unit; or
- (ii) where the building is fully wet sprinklered and not in excess of seventy-five feet in [height](#) and not exceeding five thousand square feet in building area one independently enclosed stairway from each [dwelling](#), and an independently enclosed hallway, of one hour fire rating where there are two or more tenants on a floor; or
- (iii) a sprinklered enclosed hallway with access to two independently enclosed [stairs](#).
- (b) In a [fireproof](#) building, there shall be:
- (i) an enclosed hallway and two independently enclosed [stairs](#); or
- (ii) an enclosed hallway and one independently enclosed [stair](#) and a screened exterior [stair](#) in conformance with section two hundred sixty-eight of the labor law with all glazed openings thereon equipped with wire glass; or

NEW YORK STATE
MULTIPLE DWELLING LAW

- (iii) for buildings not exceeding seven stories or seventy-five feet in [height](#), egress conforming with the provisions of paragraph (a) of this subdivision; or
 - (iv) egress conforming with the provisions of [section one hundred two](#) of this chapter.
 - (c) No more than two [dwelling](#) units shall open directly to a [stair](#) without an intervening enclosed hallway.
 - (d) Enclosed hallways shall have a one hour fire rating.
 - (e) Enclosed stairways shall be:
 - (i) one hour fire rated in non-fireproof buildings four stories or less in [height](#); or
 - (ii) one hour fire rated and sprinklered in non-fireproof buildings six stories or less in [height](#); or
 - (iii) one hour fire rated in non-fireproof, fully sprinklered buildings seven stories in [height](#); or
 - (iv) two hour fire rated in all other cases.
 - (f) The travel distance to the means of egress shall comply with the administrative code of the city of New York.
 - (g) Wooden [stairs](#) permitted by [section one hundred eighty-nine](#) of this chapter may be retained only if, in addition to meeting all of the requirements set forth therein, they are within a fully wet-sprinklered enclosure, and the [stair](#) and landing soffit are [fire-retarded](#), notwithstanding any other provisions.
 - (h) Every required [stair](#) shall extend through the roof by a bulkhead, except that a scuttle may be used if the [dwelling](#) does not exceed four stories and except that no bulkhead or scuttle is required where the roof is a peak roof with a pitch of more than fifteen degrees.
 - (i) Mezzanines shall be provided with a [stair](#) at least two feet six inches wide terminating not more than twenty feet from an exit door or [fire escape](#), and all portions of such mezzanines shall be not more than fifty feet from such exit door or [fire escape](#).
10. In buildings in excess of two stories in [height](#), stairways shall be provided with skylights at least twenty square feet in area, glazed with plain glass with a wire screen over and under and provided with fixed or movable ventilators having a minimum open area of one hundred forty-four square inches. In lieu of the skylight and ventilators, a window of equal area may be provided with fixed louvers having a minimum open area of one hundred forty-four square inches installed in or immediately adjacent to the window.
11. Except as otherwise provided in this article, all [shafts](#) shall be enclosed with incombustible material of two hour fire rating and comply with the administrative code of the city of New York, provided, however, existing [shaft](#) enclosures constructed in part of combustible material may be retained if upgraded to obtain a two hour fire rating.
12. Every kitchen or kitchenette or cooking space in such building shall comply with the requirements imposed on [multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine by [section thirty-three](#) of this chapter.
13. Such building shall comply with all requirements imposed on [multiple dwellings](#) erected after April eighteenth, nineteen hundred twenty-nine by title three of [article three](#) of this chapter.
14. All interior iron columns in unsprinklered buildings shall be protected by materials or assemblies having a fire-resistive rating of at least three hours. Where sprinklers are provided for an exterior wall as provided in subdivision one of this section or in a fully wet sprinklered building such columns shall be protected by two sprinkler heads located eighteen inches or more away and each on opposite sides of such column but no further than four feet. Such

NEW YORK STATE
MULTIPLE DWELLING LAW

sprinklers shall be provided at any interior column where fire protection is omitted in non-fireproof buildings.

15. The elevator [shafts](#) in such buildings shall be enclosed with incombustible material of two hour fire rating, except that existing elevator [shaft](#) enclosures constructed in part of combustible material may be retained if upgraded to obtain a two hour fire rating; and have [fireproof](#) doors and assemblies with
 - (a) the doors self-closing; or
 - (b) a vestibule the walls of which shall be of non-combustible material and have a minimum two hour fire resistive rating, with self-closing [fireproof](#) doors and be fire-stopped; or
 - (c) where the elevator is manually operated in fully sprinklered buildings have [fireproof](#) doors, with approved interlock devices.
16. The requirements and standards prescribed in this section shall be subject to variation in specific cases by the commissioner of buildings, or the board of standards and appeals, of such city under and pursuant to the provisions of paragraph two of subdivision b of section six hundred forty-five and section six hundred sixty-six of the New York city charter.

§278. Application of other provisions.

1. The provisions of this article apply to buildings with residential, mixed or joint living-work quarters or [artists'](#) occupancy as herein provided and to such buildings only. In addition to the provisions of this article, the following enumerated articles and sections of this chapter shall, to the extent required therein, apply to such buildings:

Article	1. Introductory provisions: definitions
	2. Miscellaneous application provisions except subdivision two of section nine
	8. Requirements and remedies
	9. Registry of names and service of papers
	10. Prostitution
	11. Laws repealed; saving clause; effect
Section	28. Two or more buildings on same lot
	29. Painting of courts and shafts
	31. Size of rooms, subdivision six only
	37. Artificial hall lighting
	53. Fire-escapes
	55. Wainscoting, subdivision two only
	56. Frame buildings and extensions
	57. Bells; mail receptacles
	58. Incombustible materials
	59. Bakeries and fat boiling
	60. Motor vehicle storage
	61. Business uses (except paragraph c of subdivision one and subdivision three)
	62. Parapets, guard railings and wires

2. Failure to comply with any provision of this chapter other than this article and the above enumerated articles and sections shall not be grounds for refusal of a certificate of occupancy or compliance.

NEW YORK STATE
MULTIPLE DWELLING LAW

***ARTICLE 7-C**

LEGALIZATION OF INTERIM MULTIPLE DWELLINGS

***§280. Legislative findings.**

The legislature hereby finds and declares that a serious public emergency exists in the housing of a considerable number of persons in cities having a population of over one million, which emergency has been created by the increasing number of conversions of commercial and manufacturing loft buildings to residential use without compliance with applicable building codes and laws and without compliance with local laws regarding minimum housing maintenance standards; that many such buildings do not conform to minimum standards for health, safety and fire protection; that housing maintenance services essential to maintain health, safety and fire protection are not being provided in many such buildings; that as a consequence of the acute shortage of housing as found and declared in the emergency tenant protection act of nineteen seventy-four the tenants in such buildings would suffer great hardship if forced to relocate; that as a result of the uncertain status of the tenancy in question the courts have been increasingly burdened with disputes between landlords and tenants regarding their respective rights and obligations under the existing circumstances; that some courts have declared such buildings "de facto" multiple dwellings; that illegal and unregulated residential conversions undermine the integrity of the local zoning resolution and threaten loss of jobs and industry; that the intervention of the state and local governments is necessary to effectuate legalization, consistent with the local zoning resolution, of the present illegal living arrangements in such "de facto" multiple dwellings, and to establish a system whereby residential rentals can be reasonably adjusted so that residential tenants can assist in paying the cost of such legalization without being forced to relocate; that in order to prevent uncertainty, hardship, and dislocation, the provisions of this article are necessary and designed to protect the public health, safety and general welfare.

*NB Terminates at the close of the calendar day May 31, 2010

***§281. Definition of "interim multiple dwelling".**

1. Except as provided in subdivision two of this section, the term "**interim multiple dwelling**" means any building or structure or portion thereof located in a city of more than one million persons which
 - (i) at any time was occupied for manufacturing, commercial, or warehouse purposes; and
 - (ii) lacks a certificate of compliance or occupancy pursuant to section three hundred one of this chapter; and
 - (iii) on December first, nineteen hundred eighty-one was occupied for residential purposes since April first, nineteen hundred eighty as the residence or home of any three or more families living independently of one another.
2. Notwithstanding the definition set forth in subdivision one of this section, the term "interim multiple dwelling" includes only
 - (i) buildings, structures or portions thereof located in a geographical area in which the local zoning resolution permits residential use as of right, or by minor modification or administrative certification of a local planning agency,
 - (ii) buildings or structures which are not owned by a municipality,
 - (iii) buildings, structures or portions thereof within an area designated by the local zoning resolution as a study area for possible rezoning to permit residential use, or

NEW YORK STATE
MULTIPLE DWELLING LAW

(iv) buildings, [structures](#) or portions thereof which may be converted to residential use pursuant to a special permit granted by a local planning agency.

In the case of classes of buildings specified by paragraphs (iii) and (iv) of this subdivision and those buildings specified by paragraph (i) of this subdivision which require a minor modification or administrative certification, however, the provisions of subdivision one of [section two hundred eighty-four](#) of this article regarding compliance with this chapter shall not be applicable, but the other provisions of this article shall be applicable. Upon rezoning of any such study area or the granting of any such special permit, minor modification or administrative certification to permit residential use of any such building or portion thereof, subdivision one of [section two hundred eighty-four](#) of this article shall be applicable, with the timing of compliance requirements set forth in such section commencing to run upon the effective date of such rezoning or permit approval. If such rezoning does not permit residential use of the building or a portion thereof, or if a special permit, minor modification or administrative certification is denied, such building shall be exempt from this article.

3. In addition to the residents of an interim multiple dwelling, residential occupants in units first [occupied](#) after April first, nineteen hundred eighty and prior to April first, nineteen hundred eighty one shall be qualified for protection pursuant to this article, provided that the building or any portion thereof otherwise qualifies as an interim multiple dwelling, and the tenants are eligible under the local zoning resolution for such occupancy. A reduction in the number of [occupied](#) residential units in a building after December first, nineteen hundred eighty-one shall not eliminate the protections of this article for any remaining residential occupants qualified for such protections. Non-residential space in a building as of the effective date of the act which added this article shall be offered for residential use only after the obtaining of a residential certificate of occupancy for such space, and such space shall be exempt from this article, even if a portion of such building may be an interim multiple dwelling.
4. Interim multiple dwellings shall also include buildings, [structures](#) or portions thereof that had residential occupants on May first, nineteen hundred eighty-seven in units [occupied](#) residentially since December first, nineteen hundred eighty-one that were [occupied](#) for residential purposes since April first, nineteen hundred eighty and those units shall be qualified for protection pursuant to this article, provided that the building or any portion thereof meets the requirements set out in subdivision one of this section, regardless of whether the buildings, [structures](#) or portions thereof meets the requirements set out in paragraphs (i), (iii) and (iv) of subdivision two of this section.
5. (a) Notwithstanding the provisions of paragraphs (i), (iii) and (iv) of subdivision two of this section, but subject to paragraphs (i) and (ii) of subdivision one of this section and paragraph (ii) of subdivision two of this section, the term "interim multiple dwelling" shall include buildings, [structures](#) or portions thereof that are located in a city of more than one million persons which were [occupied](#) for residential purposes as the residence or home of any three or more [families](#) living independently from one another for a period of twelve consecutive months during the period commencing January first, two thousand eight, and ending December thirty-first, two thousand nine, provided that the unit seeking coverage: is not located in a [cellar](#) and has at least one entrance that does not require passage through another residential unit to obtain access to the unit, and is at least four hundred square feet in area.

(b) The term "interim multiple dwelling" as used in this subdivision shall not include (i) any building in an industrial business zone established pursuant to chapter six-D of title twenty-two of the administrative code of the city of New York except that a building in the Williamsburg/Greenpoint or North Brooklyn industrial business zones (other than a building within such North Brooklyn business zone that is in a district zoned M3, as such district is described in the zoning resolution of such municipality in effect at the time the application

NEW YORK STATE
MULTIPLE DWELLING LAW

for registration as an interim multiple dwelling or for coverage of residential units under this article is filed) and a building located in that portion of the Long Island city industrial business zone that has frontage on either side of forty-seventh avenue or is located north of forty-seventh avenue and south of Skillman avenue or in that portion of the Long Island city industrial business zone that is located north of forty-fourth drive, south of Queens plaza north, and west of twenty-third street may be included in the term "interim multiple dwelling," or (ii) units in any building, other than a building that is already defined as an "interim multiple dwelling" pursuant to subdivision one, two, three or four of this section, that, at the time this subdivision shall take effect and continuing until the time of the submission of an application for coverage by any party, also contains a use in legal operation, actively and currently pursued, which use is set forth in use group eighteen, as described in the zoning resolution of such municipality in effect on June twenty-first, two thousand ten, and which the loft board has determined in rules and regulation is inherently incompatible with residential use in the same building by creating an actual risk of harm which cannot be reasonably mitigated, provided that the loft board may by rule exempt categories of units or buildings from such use incompatibility determinations including but not limited to residentially [occupied](#) units or subcategories of such units, and provided, further that if a building does not contain such active uses at the time this subdivision takes effect, no subsequent use by the [owner](#) of the building shall eliminate the protections of this section for any residential occupants in the building already qualified for such protections. A party opposing coverage pursuant to this subdivision shall bear the burden of proving the exception to coverage set forth in subparagraph (ii) of this paragraph.

(c) The term "interim multiple dwelling," as used in this subdivision shall also include buildings, [structures](#) or portions thereof that are located north of West 24th Street and south of West 27th Street and west of tenth avenue and east of eleventh avenue in a city of more than one million persons which were [occupied](#) for residential purposes as the residence or home of any two or more [families](#) living independently from one another for a period of twelve consecutive months during the period commencing January first, two thousand eight, and ending December thirty-first, two thousand nine and subject to all the conditions and limitations of this subdivision other than the number of units in the building. A reduction in the number of [occupied](#) residential units in a building after meeting the aforementioned twelve consecutive month requirement shall not eliminate the protections of this section for any remaining residential occupants qualified for such protections. Non-residential space in a building as of the effective date of this subdivision shall be offered for residential use only after the obtaining of a residential certificate of occupancy for such space and such space shall be exempt from this article, even if a portion of such building may be an interim multiple dwelling.

6. (a) Notwithstanding the provisions of paragraphs (i), (iii) and (iv) of subdivision two of this section, but subject to paragraphs (i) and (ii) of subdivision one of this section and paragraph (ii) of subdivision two of this section, the term "interim multiple dwelling" shall include buildings, [structures](#) or portions thereof that are located in a city of more than one million persons which were [occupied](#) for residential purposes as the residence or home of any three or more [families](#) living independently from one another for a period of twelve consecutive months during the period commencing January first, two thousand fifteen, and ending December thirty-first, two thousand sixteen, provided that the unit seeking coverage: is not located in a [cellar](#) and has at least one entrance that does not require passage through another residential unit to obtain access to the unit, and is at least four hundred square feet in area.

(b) The term "interim multiple dwelling" as used in this subdivision shall not include (i) any building in an industrial business zone established pursuant to chapter six-D of title twenty-two of the administrative code of the city of New York except that a building in the

NEW YORK STATE
MULTIPLE DWELLING LAW

Williamsburg/Greenpoint or North Brooklyn industrial business zones other than a building within such North Brooklyn industrial business zone that is in a district zoned M3, as such district is described in the zoning resolution of such municipality in effect at the time the application for registration as an interim multiple dwelling or for coverage of residential units under this article is filed) and a building located in that portion of the Long Island city industrial business zone that has frontage on either side of forty-seventh avenue or is located north of forty-seventh avenue and south of Skillman avenue or in that portion of the Long Island city industrial business zone that is located north of forty-fourth drive, south of Queens plaza north, and west of twenty-third street may be included in the term "interim multiple dwelling", or (ii) units in any building, other than a building that is already defined as an "interim multiple dwelling" pursuant to subdivision one, two, three, four or five of this section, that, at the time this subdivision shall take effect and continuing until the time of the submission of an application for coverage by any party, also contains a use in legal operation, actively and currently pursued, which use is set forth in use group eighteen, as described in the zoning resolution of such municipality in effect on June twenty-first, two thousand ten, and which the loft board has determined in rules and regulation is inherently incompatible with residential use in the same building by creating an actual risk of harm which cannot be reasonably mitigated, provided that the loft board may by rule exempt categories of units or buildings from such use incompatibility determinations including but not limited to residentially [occupied](#) units or subcategories of such units, and provided, further that if a building does not contain such active uses at the time this subdivision takes effect, no subsequent use by the [owner](#) of the building shall eliminate the protections of this section for any residential occupants in the building already qualified for such protections. A party opposing coverage pursuant to this subdivision shall bear the burden of proving the exception to coverage set forth in subparagraph (ii) of this paragraph.

(c) The term "interim multiple dwelling", as used in this subdivision shall also include buildings, [structures](#) or portions thereof that are located north of West 24th Street and south of West 27th Street and west of tenth avenue and east of eleventh avenue in a city of more than one million persons which were [occupied](#) for residential purposes as the residence or home of any two or more [families](#) living independently from one another for a period of twelve consecutive months during the period commencing January first, two thousand fifteen, and ending December thirty-first, two thousand sixteen and subject to all the conditions and limitations of this subdivision other than the number of units in the building. A reduction in the number of [occupied](#) residential units in a building after meeting the aforementioned twelve consecutive month requirement shall not eliminate the protections of this section for any remaining residential occupants qualified for such protections. Non-residential space in a building as of the effective date of this subdivision shall be offered for residential use only after the obtaining of a residential certificate of occupancy for such space and such space shall be exempt from this article, even if a portion of such building may be an interim multiple dwelling.

*NB Terminates at the close of the calendar day May 31, 2010

***§282. Establishment of special loft unit.**

In order to resolve complaints of [owners](#) of [interim multiple dwellings](#) and of residential occupants of such buildings qualified for the protection of this article, and to act upon hardship applications made pursuant to this article, a special loft unit referred to herein as the "loft board" shall be established which shall consist of from four to nine members representative of the public, the real estate industry, loft residential tenants, and loft manufacturing interests, and a chairperson, all to be appointed by the mayor of the municipality and to serve such terms as he may designate. The compensation of the members of the loft board shall be fixed by the mayor.

NEW YORK STATE
MULTIPLE DWELLING LAW

The members of the loft board shall not be considered employees of the state or the municipality, provided, however, that state or municipal employees or officers

NEW YORK STATE
MULTIPLE DWELLING LAW

may be named to the loft board. The mayor shall establish the loft board within ninety days of the effective date of chapter three hundred forty-nine of the laws of nineteen hundred eighty-two. The loft board shall have such office and staff as shall be necessary to carry out functions conferred upon it and may request and receive assistance from any state or municipal agency or department. The loft board shall have the following duties:

- (a) the determination of [interim multiple dwelling](#) status and other issues of coverage pursuant to this article;
- (b) the resolution of all hardship appeals brought under this article;
- (c) the determination of any claim for rent adjustment under this article by an [owner](#) or tenant;
- (d) the issuance, after a public hearing, and the enforcement of rules and regulations governing minimum housing maintenance standards in [interim multiple dwellings](#) (subject to the provisions of this chapter and any local building code), rent adjustments prior to legalization, compliance with this article and the hearing of complaints and applications made to it pursuant to this article; and
- (e) determination of controversies arising over the fair market value of a residential tenant's fixtures or reasonable moving expenses. The violation of any rule or regulation promulgated by the loft board shall be punishable by a civil penalty determined by the loft board not to exceed seventeen thousand five hundred dollars which may be recovered by the municipality by a proceeding in any court of competent jurisdiction. The loft board may designate provisions of such rules and regulations for enforcement in proceedings before the environmental control board of such municipality. Notices of violation returnable to such environmental control board may be issued by officers and employees of the department of buildings of such municipality and served in the same manner as violations returnable to such board within the jurisdiction of such department. The environmental control board, when acting as the designee of the loft board, shall have the power to impose civil penalties, not to exceed seventeen thousand five hundred dollars for each violation, and to issue judgments, which may be docketed and enforced as set forth in section one thousand forty-nine-a of the New York city charter. The loft board may charge and collect reasonable fees in the execution of its responsibilities. The loft board may administer oaths, take affidavits, hear testimony, and take proof under oath at public or private hearings.

*NB Terminates at the close of the calendar day May 31, 2010

§282-a. Applications for coverage of [interim multiple dwellings](#) and residential units.

1. All applications for registration as an interim [multiple dwelling](#) or for coverage of residential units under this article shall be filed with the loft board within six months after the date the loft board shall have adopted all rules or regulations necessary in order to implement the provisions of chapter one hundred forty-seven of the laws of two thousand ten, provided, however, that applications for registration as an [interim multiple dwelling](#) or for coverage of residential units under this article may also be filed for a two-year period starting from the effective date of the chapter of the laws of two thousand fifteen which amended this section. The loft board may subsequently amend such rules and regulations but such amendments shall not recommence the time period in which applications may be filed.
2. Where any occupant has filed an application for coverage pursuant to this article and has received a docket number from the loft board, it shall be unlawful for an [owner](#) to cause or

NEW YORK STATE
MULTIPLE DWELLING LAW

intend to cause such occupant to vacate, surrender or waive any rights in relation to such occupancy, due to repeated interruptions or discontinuances of essential services, or an interruption or discontinuance of an essential service for an extended duration or of such significance as to substantially impair habitability of such unit, at any time before the loft board has made a final determination, including appeals, to approve or deny such application. This section shall not grant any rights of continued occupancy other than those otherwise granted by law. Any agreement that waives or limits the benefits of this section shall be deemed void as against public policy. In addition to any other remedies provided in this article for failure to be in compliance, in [article eight](#) of this chapter, or in the regulations promulgated by the loft board, an occupant who has filed an application with the loft board for coverage under this article may commence an action or proceeding in a court of competent jurisdiction, which notwithstanding any other provision of law shall include the housing part of the New York city civil court, to enforce the provisions of this section.

***§283. Occupancy permitted.**

Notwithstanding any other provision of this chapter or any other law, code, rule or regulation, occupancy for residential purposes of residential units covered by this article is permitted, if such occupancy is in compliance with this article. Nothing contained herein shall be construed to limit local authorities from issuing vacate orders for hazardous conditions, if appropriate.

*NB Terminates at the close of the calendar day May 31, 2010

***§284. [Owner](#) obligations.**

1.

- (i) The [owner](#) of an [interim multiple dwelling](#)
 - (A) shall file an [alteration](#) application within nine months from the effective date of chapter three hundred forty-nine of the laws of nineteen hundred eighty-two, and
 - (B) shall take all reasonable and necessary action to obtain an approved [alteration](#) permit within twelve months from such effective date, and
 - (C) shall achieve compliance with the standards of safety and fire protection set forth in [article seven-B](#) of this chapter for the residential portions of the building within eighteen month from obtaining such [alteration](#) permit or eighteen months from such effective date, whichever is later, and
 - (D) shall take all reasonable and necessary action to obtain a certificate of occupancy as a [class A multiple dwelling](#) for the residential portions of the building or [structure](#) within thirty-six months from such effective date. The loft board may, upon good cause shown, and upon proof of compliance with the standards of safety and fire protection set forth in [article seven-B](#) of this chapter, twice extend the time of compliance with the requirement to obtain a residential certificate of occupancy for periods not to exceed twelve months each.
- (ii) An [owner](#) of an [interim multiple dwelling](#) who has not complied with the requirements of paragraph (i) of this subdivision by the effective date of chapter two hundred twenty-seven of the laws of nineteen hundred ninety-two shall hereafter be deemed in compliance with this subdivision provided that such [owner](#) files an [alteration](#) application by October first, nineteen hundred ninety-two, takes all reasonable and necessary action to obtain an approved [alteration](#) permit by October first, nineteen hundred ninety-three, achieves compliance with the standards of safety and fire protection set forth in [article](#)

NEW YORK STATE
MULTIPLE DWELLING LAW

[seven-B](#) of this chapter for the residential portions of the building by April first, nineteen hundred ninety-five, or within eighteen months from obtaining an approved [alteration](#) permit, whichever is later, and takes all reasonable and necessary action to obtain a certificate of occupancy as a [class A multiple dwelling](#) for the residential portions of the building or [structure](#) by October first, nineteen hundred ninety-five or within six months from achieving compliance with the aforementioned standards for the residential portions of the building, whichever is later.

- (iii) An [owner](#) of an [interim multiple dwelling](#) who has not complied with the requirements of paragraph (i) or (ii) of this subdivision by the effective date of chapter three hundred nine of the laws of nineteen hundred ninety-six shall hereafter be deemed in compliance with this subdivision provided that such [owner](#) files an [alteration](#) application by October first, nineteen hundred ninety-six, takes all reasonable and necessary action to obtain an approved [alteration](#) permit by October first, nineteen hundred ninety-seven, achieves compliance with the standards of safety and fire protection set forth in [article seven-B](#) of this chapter for the residential portions of the building by April first, nineteen hundred ninety-nine or within eighteen months from obtaining an approved [alteration](#) permit whichever is later, and takes all reasonable and necessary action to obtain a certificate of occupancy as a [class A multiple dwelling](#) for the residential portions of the building or [structure](#) by June thirtieth, nineteen hundred ninety-nine or within three months from achieving compliance with the aforementioned standards for the residential portions of the building, whichever is later.
- (iv) An [owner](#) of an [interim multiple dwelling](#) who has not complied with the requirements of paragraph (i), (ii) or (iii) of this subdivision by the effective date of this paragraph as provided in chapter four hundred fourteen of the laws of nineteen hundred ninety-nine which added this paragraph shall hereafter be deemed in compliance with this subdivision provided that such [owner](#) files an [alteration](#) application by September first, nineteen hundred ninety-nine, takes all reasonable and necessary action to obtain an approved [alteration](#) permit by March first, two thousand, achieves compliance with the standards of safety and fire protection set forth in [article seven-B](#) of this chapter for the residential portions of the building by May first, two thousand two or within twelve months from obtaining an approved [alteration](#) permit whichever is later, and takes all reasonable and necessary action to obtain a certificate of occupancy as a [class A multiple dwelling](#) for the residential portions of the building or [structure](#) by May thirty-first, two thousand two or within one month from achieving compliance with the aforementioned standards for the residential portions of the building, whichever is later.
- (v) An [owner](#) of an [interim multiple dwelling](#) who has not complied with the requirements of paragraph (i), (ii), (iii) or (iv) of this subdivision by the effective date of this paragraph as provided in chapter eighty-five of the laws of two thousand two shall hereafter be deemed in compliance with this subdivision provided that such [owner](#) filed an [alteration](#) application by September first, nineteen hundred ninety-nine, took all reasonable and necessary action to obtain an approved [alteration](#) permit by March first, two thousand, achieves compliance with the standards of safety and fire protection set forth in [article seven-B](#) of this chapter for the residential portions of the building by June first, two thousand twelve or within twelve months from obtaining an approved [alteration](#) permit whichever is later, and takes all reasonable and necessary action to obtain a certificate of occupancy as a [class A multiple dwelling](#) for the residential portions of the building or

NEW YORK STATE
MULTIPLE DWELLING LAW

[structure](#) by July second, two thousand twelve or within one month from achieving compliance with the aforementioned standards for the residential portions of the building, whichever is later.

- (vi) Notwithstanding the provisions of paragraphs (i) through (v) of this subdivision the [owner](#) of an [interim multiple dwelling](#) made subject to this article by subdivision five of [section two hundred eighty-one](#) of this article
- (A) shall file an [alteration](#) application on or before March twenty-first, two thousand eleven, or, for units that became subject to this article pursuant to chapter four of the laws of two thousand thirteen on or before June eleventh, two thousand fourteen, or, for units in an [interim multiple dwelling](#) that were listed on an application for coverage or registration filed with the loft board pursuant to this article or in a court pleading after March eleventh, two thousand fourteen, within nine months of either the date of the initial application for coverage or the date of the loft board's issuance of an [interim multiple dwelling](#) number or the date of the service of the pleading, whichever is earlier, and
 - (B) shall take all reasonable and necessary action to obtain an approved [alteration](#) permit on or before June twenty-first, two thousand eleven, or, for units that became subject to this article pursuant to chapter four of the laws of two thousand thirteen on or before September eleventh, two thousand fourteen, or, for units in an [interim multiple dwelling](#) that were listed on an application for coverage or registration filed with the loft board pursuant to this article or in a court pleading after March eleventh, two thousand fourteen, within twelve months of either the date of the initial application for coverage or the date of the loft board's issuance of an [interim multiple dwelling](#) number or the date of the service of the pleading, whichever is earlier, and
 - (C) shall achieve compliance with the standards of safety and fire protection set forth in [article seven-B](#) of this chapter for the residential portions of the building within eighteen months from obtaining such [alteration](#) permit, and
 - (D) shall take all reasonable and necessary action to obtain a certificate of occupancy as a [class A multiple dwelling](#) for the residential portions of the building or [structure](#) on or before December twenty-first, two thousand twelve, or for units that became subject to this article pursuant to chapter four of the laws of two thousand thirteen on or before March eleventh, two thousand sixteen, or, for units in an [interim multiple dwelling](#) that were listed on an application for coverage or registration filed with the loft board pursuant to this article or in a court pleading after March eleventh, two thousand sixteen, within thirty months of either the date of the initial application for coverage or the date of the loft board's issuance of an [interim multiple dwelling](#) number or the date of the service of the pleading, whichever is earlier. The loft board may, upon good cause shown, and upon proof of compliance with the standards of safety and fire protection set forth in [article seven-B](#) of this chapter, twice extend the time of compliance with the requirement to obtain a residential certificate of occupancy for periods not to exceed twelve months each.
- (vii) An [owner](#) who is unable to satisfy any requirement specified in paragraph (ii), (iii), (iv), (v), or (vi) of this subdivision for reasons beyond his/her control, including, but not limited to, a requirement to obtain a certificate of appropriateness for modification of a landmarked building, a need to obtain a variance from a board of standards and appeals,

NEW YORK STATE
MULTIPLE DWELLING LAW

or the denial of reasonable access to a residential unit as required by paragraph (xi) of this subdivision, may apply to the loft board for an extension of time to meet the requirement specified in paragraph (ii), (iii), (iv), (v) or (vi) of this subdivision. The loft board may grant an extension of time to meet a requirement specified in paragraph (ii), (iii), (iv), (v) or (vi) of this subdivision provided that the [owner](#) demonstrates that he/she has made good faith efforts to satisfy the requirements.

- (viii) If there is a finding by the loft board that an [owner](#) has failed to satisfy any requirement specified in paragraph (i), (ii), (iii), (iv), (v), or (vi) of this subdivision, such [owner](#) shall be subject to all penalties set forth in [article eight](#) of this chapter.
 - (ix) In addition to the penalties provided in [article eight](#) of this chapter, if there is a finding by the loft board that an [owner](#) has failed to satisfy any requirement specified in paragraph (i), (ii), (iii), (iv), (v), or (vi) of this subdivision, a court may order specific performance to enforce the provisions of this article upon the application of three occupants of separate residential units, qualified for the protection of this article, or upon the application of the municipality.
 - (x) If, as a consequence of an [owner's](#) unlawful failure to comply with the provisions of paragraph (i), (ii), (iii), (iv), (v), or (vi) of this subdivision, any residential occupant qualified for protection pursuant to this article is required to vacate his or her unit as a result of a municipal vacate order, such occupant may recover from the [owner](#) the fair market value of any improvements made by such tenant and reasonable moving costs. Any vacate order issued as to such unit by a local government shall be deemed an order to the [owner](#) to correct the non-compliant conditions, subject to the provisions of this article. Furthermore, when such correction has been made, such occupant shall have the right to re-occupy his or her unit and shall be entitled to all applicable tenant protections of this article.
 - (xi) The occupants of a building shall, upon appropriate notice regarding the timing and scope of the work required, afford the [owner](#) reasonable access to their units so that the work necessary for compliance with this article can be carried out. Access shall also be afforded, upon reasonable prior notice, for the purpose of inspecting and surveying units as may be required to comply with the provisions of this article and [article seven-B](#) of this chapter. Failure to comply with an order of the loft board regarding access shall be grounds for eviction of a tenant.
2. Every [owner](#) of an [interim multiple dwelling](#), every lessee of a whole building part of which is an [interim multiple dwelling](#), and every agent or other person having control of such a [dwelling](#), shall, within sixty days of the effective date of the act which added this article, file with the loft board or any other authority designated by the mayor a notice in conformity with all provisions of [section three hundred twenty-five](#) of this chapter and with rules and regulations to be promulgated by the loft board.

*NB Terminates at the close of the calendar day May 31, 2010

***§285. [Owner](#) protection.**

1. Notwithstanding the provisions of section [three hundred two](#) or [three hundred twenty-five](#) of this chapter, the [owner](#) of an [interim multiple dwelling](#) may recover rent payable from residential occupants qualified for the protection of this article on or after April first, nineteen hundred eighty, and maintain an action or proceeding for possession of such [premises](#) for non-payment of rent, provided that he is in compliance with this article.

NEW YORK STATE
MULTIPLE DWELLING LAW

2. Notwithstanding any other provision of this article, an [owner](#) may apply to the loft board for exemption of a building or portion thereof from this article on the basis that compliance with this article in obtaining a legal residential certificate of occupancy would cause an unjustifiable hardship either because:
 - (i) it would cause an unreasonably adverse impact on a non-residential conforming use tenant within the building or
 - (ii) the cost of compliance renders legal residential conversion infeasible. Residential and other tenants shall be given not less than sixty days notice in advance of the hearing date for such application. If the loft board approves such application, the building or portion thereof shall be exempt from this article, and may be converted to non-residential conforming uses, provided, however, that the [owner](#) shall, as a condition of approval of such application, agree to file an irrevocable recorded covenant in form satisfactory to the loft board enforceable for fifteen years by the municipality, that the building will not be reconverted to residential uses during such time. The standard for granting such hardship application for a building or portion thereof shall be as follows:
 - (a) the loft board shall only grant the minimum relief necessary to relieve any alleged hardship with the understanding if compliance is reasonably possible it should be achieved even if it requires [alteration](#) of units, relocation of tenants to vacant space within the building, re-design of space or application for a non-use-related variance, special permit, minor modification or administrative certification;
 - (b) self-created hardship shall not be allowed;
 - (c) the test for cost infeasibility shall be that of a reasonable return on the [owner's](#) investment not maximum return on investment;
 - (d) the test for unreasonably adverse impact on a non-residential conforming use tenant shall be whether residential conversion would necessitate displacement. Such hardship applications shall be submitted to the loft board within nine months of the establishment of the loft board (or, in the case of [interim multiple dwellings](#) referred to in subdivision four of [section two hundred eighty-one](#) of this article, within nine months of July twenty-seventh, nineteen hundred eighty-seven or in the case of [interim multiple dwellings](#) made subject to this article by subdivision five of [section two hundred eighty-one](#) of this article, within nine months of the effective date of such subdivision five, or, for units that became subject to this article pursuant to the chapter of the laws of two thousand thirteen which amended this paragraph, within nine months of the promulgation of all necessary rules and regulations pursuant to [section two hundred eighty-two-a](#) of this article, but shall not be considered, absent a waiver by the loft board, unless the [owner](#) has also filed an [alteration](#) application. In determination of any such hardship application, the loft board may demand such information as it deems necessary. In approving any such hardship application, the loft board may fix reasonable terms and conditions for the vacating of residential occupancy.
3. An [owner](#) of an [interim multiple dwelling](#) shall be exempt from paying a conversion contribution required by the zoning resolution of the city of New York for that portion of any building or [structure](#) determined by the loft board to be an [interim multiple dwelling](#).

*NB Terminates at the close of the calendar day May 31, 2010

***§286. Tenant protection.**

NEW YORK STATE
MULTIPLE DWELLING LAW

1. It shall not be a ground for an action or proceeding to recover possession of a unit [occupied](#) by a residential occupant qualified for the protection of this article that the occupancy of the unit is illegal or in violation of provisions of the tenant's lease or rental agreement because a residential certificate of occupancy has not been issued for the building, or because residential occupancy is not permitted by the lease or rental agreement.
2.
 - (i) Prior to compliance with safety and fire protection standards of [article seven-B](#) of this chapter, residential occupants qualified for protection pursuant to this article shall be entitled to continued occupancy, provided that the unit is their primary residence, and shall pay the same rent, including escalations, specified in their lease or rental agreement to the extent to which such lease or rental agreement remains in effect or, in the absence of a lease or rental agreement, the same rent most recently paid and accepted by the [owner](#); if there is no lease or other rental agreement in effect, rent adjustments prior to [article seven-B](#) compliance shall be in conformity with guidelines to be set by the loft board for such residential occupants within six months from the effective date of this article.
 - (ii) In addition to any rent adjustment pursuant to paragraph (i) of this subdivision, on or after June twenty-first, nineteen hundred ninety-two, the rent for residential units in [interim multiple dwellings](#) that are not yet in compliance with the requirements of subdivision one of [section two hundred eighty-four](#) of this article shall be adjusted as follows:
 - (A) Upon the [owners'](#) filing of an [alteration](#) application, as required by paragraph (ii), (iii), (iv), (v), or (vi) of subdivision one of [section two hundred eighty-four](#) of this article, an adjustment equal to three percent of the rent in effect at the time the [owner](#) files the [alteration](#) application.
 - (B) Upon obtaining an [alteration](#) permit, as required by paragraph (ii), (iii), (iv), (v), or (vi) of subdivision one of [section two hundred eighty-four](#) of this article, an adjustment equal to three percent of the rent in effect at the time the [owner](#) obtains the [alteration](#) permit.
 - (C) Upon achieving compliance with the standards of safety and fire protection set forth in [article seven-B](#) of this chapter for the residential portions of the building, an adjustment equal to four percent of the rent in effect at the time the [owner](#) achieves such compliance.
 - (D) [Owners](#) who filed an [alteration](#) application prior to the effective date of this subparagraph shall be entitled to a prospective adjustment equal to six percent of the rent on the effective date of this subparagraph.
 - (E) [Owners](#) who obtained an [alteration](#) permit prior to June twenty-first, nineteen hundred ninety-two shall be entitled to a prospective adjustment equal to fourteen percent of the rent on June twenty-first, nineteen hundred ninety-two.
 - (F) [Owners](#) who achieved compliance with the standards of safety and fire protection set forth in [article seven-B](#) of this chapter for the residential portions of the building prior to June twenty-first, nineteen hundred ninety-two shall be entitled to a prospective adjustment equal to twenty percent of the rent on June twenty-first, nineteen hundred ninety-two.
 - (iii) Any rent adjustments pursuant to paragraph (ii) of this subdivision shall not apply to units which were rented at market value after June twenty-first, nineteen hundred eighty-two and prior to June twenty-first, nineteen hundred ninety-two. This paragraph shall not

NEW YORK STATE
MULTIPLE DWELLING LAW

apply to units made subject to this article by subdivision five or [section two hundred eighty-one](#) of this article.

- (iv) Payment of any rent adjustments pursuant to paragraph (ii) of this subdivision shall commence the month immediately following the month in which the act entitling the [owner](#) to the adjustment occurred.
3. Upon or after compliance with the safety and fire protection standards of [article seven-B](#) of this chapter, an [owner](#) may apply to the loft board for an adjustment of rent based upon the cost of such compliance. Upon approval by the loft board of such compliance, the loft board shall set the initial legal regulated rent, and each residential occupant qualified for protection pursuant to this article shall be offered a residential lease subject to the provisions regarding evictions and regulation of rent set forth in the emergency tenant protection act of nineteen seventy-four, except to the extent the provisions of this article are inconsistent with such act.
4. The initial legal regulated rent established by the loft board shall be equal to
- (i) the rent in effect, including escalations, as of the date of application for adjustment ("base rent"), plus,
 - (ii) the maximum annual amount of any increase allocable to compliance as provided herein; and
 - (iii) the percentage increase then applicable to one, two or three year leases, as elected by the tenant, as established by the local rent guidelines board, and applied to the base rent, provided, however, such percentage increases may be adjusted downward by the loft board if prior increases based on loft board guidelines cover part of the same time period to be covered by the rent guidelines board adjustments.
5. An [owner](#) may apply to the loft board for rent adjustments once based upon the cost of compliance with [article seven-B](#) of this chapter and once based upon the obtaining of a residential certificate of occupancy. If the initial legal regulated rent has been set based only upon [article seven-B](#) compliance, a further adjustment may be obtained upon the obtaining of a residential certificate of occupancy. Upon receipt of such records as the loft board shall require, the loft board shall determine the costs necessarily and reasonably incurred, including financing, in obtaining compliance with this article pursuant to a schedule of reasonable costs to be promulgated by it. The adjustment in maximum rents for compliance with this article shall be determined either
- (i) by dividing the amount of the cash cost of such improvements exclusive of interest and service charges over a ten year period of amortization, or
 - (ii) by dividing the amount of the cash cost of such improvements exclusive of interest and service charges over a fifteen year period of amortization, plus the actual annual mortgage debt service attributable to interest and service charges in each year of indebtedness to an institutional lender, or other lender approved by the loft board, incurred by the [owner](#) to pay the cash cost of the improvements, provided that the maximum amount of interest charged includable in rent shall reflect an annual amortization factor of one-fifteenth of the outstanding principal balance. Rental adjustments to each residential unit shall be determined on a basis approved by the loft board. An [owner](#) may elect that the loft board shall deem the total cost of compliance with this article to be the amounts certified by the local department of housing preservation and development of such municipality in any certificate of eligibility issued in connection with an application for tax exemption or tax abatement to the extent such certificate reflects categories of costs approved by the loft board as reasonable and

NEW YORK STATE
MULTIPLE DWELLING LAW

necessary for such compliance. Rental adjustments attributable to the cost of compliance with this article shall not become part of the base rent for purposes of calculating rents adjusted pursuant to rent guidelines board increases.

6. Notwithstanding any provision of law to the contrary, a residential tenant qualified for protection pursuant to this chapter may sell any improvements to the unit made or purchased by him to an incoming tenant provided, however, that the tenant shall first offer the improvements to the [owner](#) for an amount equal to their fair market value. Upon purchase of such improvements by the [owner](#), any unit subject to rent regulation solely by reason of this article and not receiving any benefits of real estate tax exemption or tax abatement, shall be exempted from the provisions of this article requiring rent regulation if such building had fewer than six residential units as of the effective date of the act which added this article, or rented at market value subject to subsequent rent regulation if such building had six or more residential units at such time. The loft board shall establish rules and regulations regarding such sale of improvements which shall include provisions that such right to sell improvements may be exercised only once for each unit subject to this article, and that the opportunity for decontrol or market rentals shall not be available to an [owner](#) found guilty by the loft board of harassment of tenants.
7. The local rent guidelines board shall annually establish guidelines for rent adjustments for the category of buildings covered by this article in accordance with the standards established pursuant to the emergency tenant protection act of nineteen seventy-four. The local rent guidelines board shall consider the necessity of a separate category for such buildings, and a separately determined guideline for rent adjustments for those units in which heat is not required to be provided by the [owner](#), and may establish such separate category and guideline. The loft board shall annually commission a study by an independent consultant to assist the rent guidelines board in determining the economics of loft housing.
8. Cooperative and condominium units [occupied](#) by [owners](#) or tenant-shareholders shall not be subject to rent regulation pursuant to this article.
9. No eviction plan for conversion to cooperative or condominium ownership for a building which is, or a portion of which is an [interim multiple dwelling](#) shall be submitted for filing to the department of law pursuant to the general business law until a residential certificate of occupancy is obtained as required by this article, and the residential occupants qualified for protection pursuant to this article are offered one, two or three year leases, as elected by such persons, in accordance with the provisions for establishment of initial legal regulated rent contained herein. Non-eviction plans for such buildings may be submitted for filing only if the sponsor remains responsible for compliance with [article seven-B](#) and for all work in common areas required to obtain a residential certificate of occupancy. Cooperative conversion shall be fully in accordance with section three hundred fifty-two-eeee of the general business law, the requirements of the code of the local real estate industry stabilization association, and with the rules and regulations promulgated by the attorney general.
10. The functions of the local conciliation and appeals board of such municipality regarding [owners](#) and tenants subject to rent regulation pursuant to this article shall be carried out by the loft board until such time as provided otherwise by local law.
11. Residential occupants qualified for protection pursuant to this article shall be afforded the protections available to residential tenants pursuant to the real property law and the real property actions and proceedings law.

NEW YORK STATE
MULTIPLE DWELLING LAW

12. No waiver of rights pursuant to this article by a residential occupant qualified for protection pursuant to this article made prior to the effective date of the act which added this article shall be accorded any force or effect; however, subsequent to the effective date an [owner](#) and a residential occupant may agree to the purchase by the [owner](#) of such person's rights in a unit.
13. The applicability of the emergency tenant protection act of nineteen seventy-four to buildings [occupied](#) by residential tenants qualified for protection pursuant to this article shall be subject to a declaration of emergency by the local legislative body. In the event such act expires prior to the expiration of this article, tenants in [interim multiple dwellings](#) shall be included in coverage of the rent stabilization law of nineteen hundred sixty-nine of the city of New York.

*NB Terminates at the close of the calendar day May 31, 2010

***§287. Alternative compliance.**

In any case in which a local building code or this chapter provides an alternative means of meeting the fire and safety standards of [article seven-B](#) of this chapter, an [owner](#) of an [interim multiple dwelling](#) may, to the extent permitted by such local code or this chapter, elect to comply with the standards of such code or this chapter rather than with [article seven-B](#). Such an election shall not affect an [owner's](#) obligations to meet the deadlines for compliance set forth in this article, and in such cases references herein to [article seven-B](#) shall be deemed to include any such local building code or the applicable provisions of this chapter.

*NB Terminates at the close of the calendar day May 31, 2010

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 7-D LEGALIZATION AND CONVERSION OF
BASEMENT AND CELLAR DWELLING UNITS

§ 288. Definitions.

As used in this article, the following terms shall have the following meanings:

1. The term "**community district**" shall refer to a community district as established pursuant to chapter sixty-nine of the New York city charter.
2. The term "**inhabited basement dwelling unit**" means a basement unlawfully occupied as a residence by one or more tenants on or prior to the effective date of this article, provided that such inhabited basement dwelling unit is located in any of the community districts specified in subdivision four of section two hundred eighty-nine of this article;
3. The term "**inhabited cellar dwelling unit**" means a cellar unlawfully occupied as a residence by one or more tenants on or prior to the effective date of this article, provided that such inhabited cellar dwelling unit is located in any of the community districts specified in subdivision four of section two hundred eighty-nine of this article;
4. The term "**rented**" means leased, let, or hired out, with or without a written agreement; and
5. The term "**tenant**" means an individual to whom an inhabited basement dwelling unit or an inhabited cellar dwelling unit is rented.

§ 289. Basement and cellar local laws and regulations.

1. Notwithstanding any other provision of this chapter to the contrary, in a city with a population of one million or more, the local legislative body may, by local law, establish a pilot program to address, (a) the legalization of specified inhabited basement dwelling units and inhabited cellar dwelling units in existence prior to the effective date of this article through conversion to legal dwelling units, or (b) the conversion of other specified basement and cellar dwelling units in existence prior to the effective date of this article to legal dwelling units, provided that any such other specified basement and cellar dwelling unit in existence prior to the effective date of this article is located in any of the community districts specified in subdivision four of this section. The local law authorized by this section, and any rules or regulations promulgated thereunder, shall be protective of health and safety according to standards established in consultation with the fire department of the city of New York, department of buildings, and office of emergency management. The local law shall further provide that any application to legalize or convert a basement or cellar dwelling unit to a legal dwelling unit located within a flood hazard area as defined in section two hundred two of the city building code shall be subject to additional health and safety standards.

The local law authorized by this section, and any rules or regulations promulgated thereunder, shall not be subject to environmental review, including environmental review conducted pursuant to article eight of the environmental conservation law and any state and local regulations promulgated thereunder.

NEW YORK STATE
MULTIPLE DWELLING LAW

2. (a) The pilot program established by such local law may provide to an [owner](#) accepted into the program who converts an [inhabited basement dwelling unit](#) or [inhabited cellar dwelling unit](#) in accordance with a local law authorized by this article or who otherwise abates the illegal occupancy of an [inhabited basement dwelling unit](#) or [inhabited cellar dwelling unit](#), (i) freedom from any civil or administrative liability, citations, fines, penalties, judgments or any other determinations of or prosecution for civil violations of this chapter, other state law or local law or rules, and the zoning resolution of such city, and (ii) relief from any outstanding civil judgments issued in connection with any such violation of such laws, rules or zoning resolution issued before the effective date of this article.

(b) Provided, however, that the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subdivision shall only apply to violations of such laws, rules, or zoning resolution that rendered an [inhabited basement dwelling unit](#) or an [inhabited cellar dwelling unit](#) illegal before the effective date of this article and the conduct constituting such violation would not violate the local law adopted pursuant to this article.

(c) Provided, further that such local law shall require that all applications for conversions be filed by a date certain subsequent to the effective date of this article, provided that such date shall not exceed five years after the effective date of this article.
3. Such local law may provide that any provision of this chapter shall not be applicable to provide for the [alterations](#) necessary for the conversion of a specified [inhabited basement dwelling unit](#) or [inhabited cellar dwelling unit](#) or other specified [basement](#) or [cellar dwelling](#) unit in existence prior to the effective date into a lawful [dwelling](#) unit. Any amendment of the zoning resolution necessary to enact such program shall be subject to a public hearing at the planning commission of such city, and approval by such commission and the legislative body of such local government, provided, however, that it shall not require environmental review, including environmental review conducted pursuant to article eight of the environmental conservation law and any state and local regulations promulgated thereunder, or any additional land use review.
4. The program established by a local law enacted pursuant to this section shall be applicable only within [community districts](#) selected by the local legislative body from the following list: Bronx Community District nine; Bronx Community District ten; Bronx Community District eleven; Bronx Community District twelve; Brooklyn Community District four; Brooklyn Community District ten; Brooklyn Community District eleven; Brooklyn Community District seventeen; Manhattan Community District two; Manhattan Community District three; Manhattan Community District nine; Manhattan Community District ten; Manhattan Community District eleven; Manhattan Community District twelve; and Queens Community District two. Prior to the adoption of the local law authorized by this section, but no later than ninety days after the effective date of this article, the community board of a [community district](#) named in this subdivision may adopt and submit to the speaker of the city council a resolution in support or opposition

NEW YORK STATE
MULTIPLE DWELLING LAW

of the inclusion of the [community district](#) in the program established by the local law authorized by this article.

§ 290. [Tenant](#) protections in [inhabited basement dwelling units](#) and [inhabited cellar dwelling units](#).

1. The program authorized by this article shall require an application to make [alterations](#) to legalize an [inhabited basement dwelling unit](#) or [inhabited cellar dwelling unit](#) be accompanied by a certification indicating whether such unit was [rented](#) to a [tenant](#) on the effective date of this article, notwithstanding whether the occupancy of such unit was authorized by law. A city may not use such certification as the basis for an enforcement action for illegal occupancy of such unit, provided that nothing contained in this article shall be construed to limit such city from issuing a vacate order for hazardous or unsafe conditions.
2. The local law authorized by this article shall provide that a [tenant](#) in occupancy at the time of the effective date of this article, who is evicted or otherwise removed from such unit as a result of an [alteration](#) necessary to bring an [inhabited basement dwelling unit](#) or [inhabited cellar dwelling unit](#) into compliance with the standards established by the local law authorized by this article, shall have a right of first refusal to return to such unit as a [tenant](#) upon its first lawful occupancy as a legal [dwelling](#) unit, notwithstanding whether the occupancy at the time of the effective date of this article was authorized by law. Such local law shall specify how to determine priority when multiple [tenants](#) may claim such right.
3. A [tenant](#) unlawfully denied a right of first refusal to return to a legal [dwelling](#) unit, as provided pursuant to the local law authorized by this article, shall have a cause of action in any court of competent jurisdiction for compensatory damages or declaratory and injunctive relief as the court deems necessary in the interests of justice, provided that such compensatory relief shall not exceed the annual rental charges for such legal [dwelling](#) unit.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 8
REQUIREMENTS AND REMEDIES

§300. Permits.

1. It shall be unlawful to commence the construction or [alteration](#) of a [multiple dwelling](#) or any part or [section](#) thereof, or of any building or [structure](#) on the same [lot](#) with such a [dwelling](#), or the [alteration](#) or conversion of a building for use as a [multiple dwelling](#), or the moving of a [dwelling](#) from one [lot](#) to another, until the issuance of a permit by the [department](#) upon compliance with all of the following requirements:
 - a. The [owner](#), or a registered architect or licensed professional engineer designated by the [owner](#) as his agent, shall file with the [department](#), upon a form furnished by it, a detailed statement of the specifications for the construction, [alteration](#), conversion or moving of such [dwelling](#) or [structure](#) and for its use and occupancy, together with as many complete copies of the plans of such work as may be required by the [department](#).
 - b. Such statement shall give the name and residence, by street and number, of the [owner](#) of such [dwelling](#) or [structure](#). If such construction, [alteration](#), conversion or moving is proposed to be done by any other person than the [owner](#) of the land in fee, such statement shall also contain the name and residence, by street and number, of every person interested in such land and [dwelling](#), either as [owner](#), as lessee or in any representative capacity.
 - c. Such statement shall be verified by an affidavit of the person making it. Said affidavit shall allege that said specifications and plans are true and contain a correct description of such [dwelling](#) or [structure](#), of the class and kind thereof, of its occupancy of the [lot](#) and of the proposed work. No architect or engineer shall be recognized as the agent of the [owner](#) unless he shall file with the [department](#) a written instrument, signed by the [owner](#), designating him as such agent. Any false allegation in respect to a material point shall be deemed perjury.
 - d. Such specifications, plans and statements shall be filed in the [department](#), which shall cause them to be examined. If such plans and specifications conform to the provisions of this chapter, to the building code and regulations, and to all other applicable law, they shall be approved by the [department](#), and a written certificate to that effect shall be issued to the person entitled thereto.
2. The construction, [alteration](#), conversion or moving of such [dwelling](#) or [structure](#) or any [section](#) or part thereof shall be in accordance with such approved specifications, plans and statements. The [department](#) may approve changes in any plans, specifications and statements previously approved by it, provided that when so changed they are in conformity with law and with the provision of subdivision four.
3. Nothing contained in this section shall prevent the [department](#) from issuing a permit for the erection of the foundation or [cellar](#) walls of a [dwelling](#), provided plans have been filed and approved in the [department](#) for the erection of such walls, but no construction above the first tier of beams shall be authorized under such permit.
4. Any permit or approval which may be issued by the [department](#), but under which no work has been done above the foundation or [cellar](#) walls within two years from the time of the issuance of such permit or approval, shall expire. The [department](#) may reissue any permit or renew any approval that has so expired, but shall require, except as otherwise provided in subdivision one of [section twenty-six](#), that the plans be made to conform with any

NEW YORK STATE
MULTIPLE DWELLING LAW

amendments to any laws applicable thereto that may have been enacted after the approval of the original application.

5. Any permit or approval issued for plans filed prior to December fifteenth, nineteen hundred sixty-one, where such plans do not comply with the provisions of paragraph d of subdivision one of [section twenty-six](#), shall expire on December fifteenth, nineteen hundred sixty-seven.
6. No room in a [cellar](#) or [basement](#) shall be [occupied](#) for living purposes unless the [department](#) shall issue a written permit for such occupancy after all the applicable provisions of law have been complied with. If such permit is refused or revoked, the reason for such action shall be stated by the [department](#) in writing and a copy of such statement shall be recorded by the [department](#) and be accessible to the public. In a [tenement](#) such permit shall be kept readily accessible in the main [living room](#) of the [apartment](#) containing such [cellar](#) or [basement](#) room.
7. The [department](#) shall have power to revoke or cancel any permit or approval in case of any failure to comply with any of the provisions of this chapter, or in case any false allegation or representation is made in any specifications, plans or statements submitted or filed for such permit or approval.
8. All specifications, plans, permits and statements filed in the [department](#) shall be public records and shall not be removed from the [department](#).

§301. Certificate of compliance or occupancy.

1. No [multiple dwelling](#) shall be [occupied](#) in whole or in part until the issuance of a certificate by the [department](#) that said [dwelling](#) conforms in all respects to the requirements of this chapter, to the building code and rules and to all other applicable law, except that no such certificate shall be required in the case of:
 - a. Any [class B multiple dwelling](#) existing on April eighteenth, nineteen hundred twenty-nine, for which a certificate of occupancy was not required before such date and in which no changes or [alterations](#) have been made except in compliance with this chapter, and
 - b. Any old-law [tenement](#), or any [class A multiple dwelling](#) erected after April twelfth, nineteen hundred one, which was [occupied](#) for two years immediately before January first, nineteen hundred nine, and in which no changes or [alterations](#) have been made except in compliance with the [tenement](#) house law or this chapter, or wherein:
 - (1) two or more [apartments](#) are combined creating larger residential units, and
 - (2) the total legal number of [families](#) within the building is being decreased, and
 - (3) the bulk of the buildings is not being increased

These exceptions shall not be deemed to relieve any [owner](#) from the obligation to make every [alteration](#) required in any old-law [tenement](#) or other [multiple dwelling](#) in compliance with the applicable provisions of this chapter.

2. Except as above provided, no [dwelling](#) constructed as or altered or converted into a [multiple dwelling](#) after April eighteenth, nineteen hundred twenty-nine, shall be [occupied](#) in whole or in part until the issuance of a certificate of compliance or occupancy.
3. Such certificate shall be issued within ten days after written application therefor if the [dwelling](#) shall be entitled thereto. The [department](#) shall, on request of the [owner](#) or of his certified agent, issue a certificate of compliance or occupancy for any existing [multiple dwelling](#) not requiring such certificate, provided that, after an inspection by the [department](#), no violations are found against such [dwelling](#).
4. The head of the [department](#) may, on the request of the [owner](#) or his certified agent, issue a temporary certificate of compliance or occupancy for a [multiple dwelling](#) or a [section](#) or a

NEW YORK STATE
MULTIPLE DWELLING LAW

part thereof for a period of ninety days or less, provided that such certificate shall bear the endorsement that the [dwelling](#) has been inspected by the [department](#) and complies with all the requirements of this chapter, and that such temporary occupancy will not jeopardize life, health or property. Such temporary certificate may be renewed at the discretion of the head of the [department](#) for similar periods but shall not extend, together with such renewals, beyond a total period of two years from the date of its original issuance.

5. A certificate, a record in the [department](#), or a statement signed by the head of the [department](#) that a certificate has been issued, may be relied upon by every person who in good faith purchases a [multiple dwelling](#) or who in good faith lends money upon the security of a mortgage covering such a [dwelling](#). Whenever any person has so relied upon such a certificate, no claim that such [dwelling](#) had not, prior to the issuance of such certificate, conformed in all respects to the provisions of this chapter shall be made against such person or against the interest of such person in a [multiple dwelling](#) to which such a certificate applies or concerning which such a statement has been issued.
6. Notwithstanding any general or local law to the contrary, a certificate issued for any [multiple dwelling](#) organized pursuant to the provisions of article nine-B of the real property law, shall be deemed issued for each [dwelling](#) unit contained within such [multiple dwelling](#) in full compliance with the requirements of this section.
7.
 - a. Any certificate by the [department](#) authorizing occupancy of a [dwelling](#) as a [Class B hotel](#) shall also authorize occupancy of units in such [dwelling](#) for permanent residence purposes notwithstanding any provision of this chapter or of any state law, local law, ordinance, resolution or regulation that would otherwise prohibit such occupancy, require a change or [alteration](#) to the [dwelling](#), or require a new or amended certificate, provided that:
 - (1) such occupancy for permanent residence purposes shall be subject to the approval of the local housing agency in its discretion;
 - (2) a portion of such [dwelling](#) shall be located within a district that under the local zoning regulations or ordinances permits residential uses or within four hundred feet of such a district, and such [dwelling](#) shall not be located in an industrial business zone established pursuant to chapter six-D of title twenty-two of the administrative code of the city of New York;
 - (3) in the case of a property at which any [hotel](#) workers are represented by a collective bargaining representative, prior to the proposed conversion of such property to occupancy for permanent residence purposes, the collective bargaining representative shall be notified in writing of the proposed conversion, and the property [owner](#) shall certify prior to the local housing agency approving such occupancy that the collective bargaining representative has mutually agreed in a separate writing with the property [owner](#) to undertake the specific conversion described in the written notice; and
 - (4) such [dwelling](#) shall meet the conditions in paragraph b of this subdivision. [Alterations](#) to the configuration of any such units shall be permitted and shall comply with any applicable requirements of any state law, local law, ordinance, resolution or regulation relating to Class B [hotels](#). If occupancy for permanent residence purposes is authorized under the provisions of this subdivision within a district where the local zoning regulations or ordinances would not otherwise permit such use, the residential tenants shall be notified of the district's zoning.
 - b. Occupancy of units in a [dwelling](#) shall not be authorized under the provisions of paragraph a of this subdivision unless such units are (1) financed by the state pursuant to and in compliance with the provisions of article thirty-one of the private housing finance law; or (2) purchased, acquired, or financed by a local housing agency, for the purpose of creating supportive and/or affordable housing to be operated by an appropriate nonprofit organization pursuant to a regulatory agreement or contract with such local agency for low-income

NEW YORK STATE
MULTIPLE DWELLING LAW

households or people experiencing homelessness immediately prior to entering such housing, where tenants shall earn no more than sixty percent of the area median income and all units are rent stabilized and subject to permanent affordability restrictions. For purposes of this paragraph, "appropriate nonprofit organization", "affordable housing", "experiencing homelessness", "rent stabilized", and "permanent affordability restrictions" shall have the same meaning as defined in article thirty-one of the private housing finance law.

§302. Unlawful occupation.

1.
 - a. If any [dwelling](#) or [structure](#) be [occupied](#) in whole or in part for human habitation in violation of [section three hundred one](#), during such unlawful occupation any bond or note secured by a mortgage upon said [dwelling](#) or [structure](#), or the [lot](#) upon which it stands, may be declared due at the option of the mortgagee.
 - b. No rent shall be recovered by the [owner](#) of such [premises](#) for said period, and no action or special proceeding shall be maintained therefor, or for possession of said [premises](#) for nonpayment of such rent.
 - c. During such period the department in charge of water supply shall not permit water to be furnished in any such [dwelling](#) or [structure](#) and said [premises](#) shall be deemed unfit for human habitation, and the department of health or the [department](#) charged with the enforcement of this chapter shall cause them to be vacated.
2. The [department](#) may cause to be vacated any [dwelling](#) or any part thereof which contains a nuisance as defined in [section three hundred nine](#), or is [occupied](#) by more [families](#) or persons than permitted in this chapter, or is erected, altered or [occupied](#) contrary to law. Any such [dwelling](#) shall not again be [occupied](#) until it or its occupancy, as the case may be, has been made to conform to law.

§302-a. Abatement of rent in the case of serious violations.

1. The provisions of this section shall apply to all cities with a population of four hundred thousand or more.
2.
 - a. A "rent impairing" violation within the meaning of this section shall designate a condition in a [multiple dwelling](#) which, in the opinion of the [department](#), constitutes, or if not promptly corrected, will constitute, a fire hazard or a serious threat to the life, health or safety of occupants thereof.

NEW YORK STATE
MULTIPLE DWELLING LAW

- b. The determination as to which violations are "rent impairing" shall be made in the following manner. Within six months after the enactment of this section, the [department](#) shall promulgate a list of conditions constituting violations of the provisions of this chapter and of any regulations promulgated pursuant to the provisions of subdivision four of [section three](#) of this chapter. Such list shall contain a brief description of the condition constituting the violation, the section of this chapter or regulation violated, and the order number assigned thereto. The [department](#) may from time to time change the number or description of violations on such list, as may seem appropriate to the [department](#). Such list shall be available at all times to the public.
 - c. At the time of the promulgation of the list of violations, the [department](#) shall also designate, by reference to the order number, those violations which it proposes to classify as rent impairing as above defined. Within thirty days thereafter, the [department](#) shall hold a public hearing at which all persons interested may be heard as to the propriety of the classification of such violations as rent impairing. At least twenty days' notice of such hearing shall be given by publication in the city record or other publication in which official notices of the city are regularly published. Within a reasonable time after the hearing, the [department](#) shall make and publish a list of those violations which are classified as rent impairing. Any person interested may, within four months thereafter, seek a review by the supreme court of the propriety of the classification of any of such violations as "Rent Impairing" by a special proceeding pursuant to article seventy-eight of the civil practice law and rules. No other body or officer shall have the power to review said classification.
 - d. The [department](#) may at any time change the number or description of rent impairing violations but no such change shall be made except in the manner above set forth after notice and public hearing.
- 3.
- a. If
 - (i) the official records of the [department](#) shall note that a rent impairing violation exists in respect to a [multiple dwelling](#) and that notice of such violation has been given by the [department](#), by mail, to the [owner](#) last registered with the [department](#) and
 - (ii) such note of the violation is not cancelled or removed of record within six months after the date of such notice of such violation, then for the period that such violation remains uncorrected after the expiration of said six months, no rent shall be recovered by any [owner](#) for any [premises](#) in such [multiple dwelling](#) used by a resident thereof for human habitation in which the condition constituting such rent impairing violation exists, provided, however, that if the violation is one that requires approval of plans by the [department](#) for the corrective work and if plans for such corrective work shall have been duly filed within three months from the date of notice of such violation by the [department](#) to the [owner](#) last registered with the [department](#), the six-months period aforementioned shall not begin to run until the date that plans for the corrective work are approved by the [department](#); if plans are not filed within said three-months period or if so filed, they are disapproved and amendments are not duly filed within thirty days after the date of notification of the disapproval by the [department](#) to the person having filed the plans, the six-months period shall be computed as if no plans whatever had been filed under this proviso. If a condition constituting a rent impairing violation exists in the part of a multiple

NEW YORK STATE
MULTIPLE DWELLING LAW

dwelling used in common by the residents or in the part under the control of the owner thereof, the violation shall be deemed to exist in the respective premises of each resident of the multiple dwelling.

- b. The provisions of subparagraph a shall not apply if
- (i) the condition referred to in the department's notice to the owner last registered with the department did not in fact exist, notwithstanding the notation thereof in the records of the department;
 - (ii) the condition which is the subject of the violation has in fact been corrected, though the note thereof in the department has not been removed or cancelled;
 - (iii) the violation has been caused by the resident from whom rent is sought to be collected or by members of his family or by his guests or by another resident of the multiple dwelling or the members of the family of such other resident or by his guests, or
 - (iv) the resident proceeded against for rent has refused entry to the owner for the purpose of correcting the condition giving rise to the violation.
- c. To raise a defense under subparagraph a in any action to recover rent or in any special proceeding for the recovery of possession because of non-payment of rent, the resident must affirmatively plead and prove the material facts under subparagraph a, and must also deposit with the clerk of the court in which the action or proceeding is pending at the time of filing of the resident's answer the amount of rent sought to be recovered in the action or upon which the proceeding to recover possession is based, to be held by the clerk of the court until final disposition of the action or proceeding at which time the rent deposited shall be paid to the owner, if the owner prevails, or be returned to the resident if the resident prevails. Such deposit of rent shall vitiate any right on the part of the owner to terminate the lease or rental agreement of the resident because of nonpayment of rent.
- d. If a resident voluntarily pays rent or an installment of rent when he would be privileged to withhold the same under subparagraph a, he shall not thereafter have any claim or cause of action to recover back the rent or installment of rent so paid. A voluntary payment within the meaning hereof shall mean payment other than one made pursuant to a judgment in an action or special proceeding.
- e. If upon the trial of any action to recover rent or any special proceeding for the recovery of possession because of non-payment of rent it shall appear that the resident has raised a defense under this section in bad faith, or has caused the violation or has refused entry to the owner for the purpose of correcting the condition giving rise to the violation, the court, in its discretion, may impose upon the resident the reasonable costs of the owner, including counsel fees, in maintaining the action or proceeding not to exceed one hundred dollars.

§302-b. Removal of violations by mortgagees.

1. Notwithstanding any other provision of law, where a receiver has been appointed in foreclosure proceedings instituted by a mortgagee with respect to any multiple dwelling, such mortgagee may advance to such receiver funds necessary for the operation of such multiple dwelling and for the making of repairs therein necessary to remove conditions constituting violations of this chapter. Such receiver shall, to the extent possible, repay any and all such advances from income received by him with respect to the property and, if

NEW YORK STATE
MULTIPLE DWELLING LAW

such income is insufficient to permit complete repayment of such advances, any amounts which cannot be so repaid, with interest, shall be added to the amount of the lien of such mortgagee upon entry of a foreclosure judgment, provided, however, that such amounts shall not be the basis for any additional personal liability on the part of the mortgagor.

2. Notwithstanding any other provisions of law, a mortgagee advancing funds to a receiver pursuant to subdivision one of this section shall be liable only for gross and willful negligence with respect to any repair made at his direction and with funds so advanced.

§302-c. Right of tenant to offset payments for heat failure; certain cases.

1. Any tenant acting alone or together with other tenants of a [multiple dwelling](#) employing an oil fired heating device for which the [owner](#) is responsible and wherein there exists a lack of heat due to the [owner's](#) failure to have oil supplied to the [premises](#), may contract and pay for the delivery of such oil in accordance with the provisions of this section. Any payment so made shall be deductible from rent providing the following provisions have been substantially complied with by the tenant or someone acting on his behalf:
 - a. Reasonable efforts were made to contact the [owner](#) or his agent to inform the [owner](#) of such failure to supply oil.
 - b. Reasonable efforts were made to have the normal fuel supplier to the [premises](#) deliver the requested fuel.
 - c. Delivery of fuel oil to the [premises](#) was secured from a fuel supplier regularly engaged in such business at a price within the range of prices listed by the [department](#) in the index provided for in subdivision three of this section.
 - d. The fuel supplier from whom oil is secured provided a written statement containing the following:
 - (1) The name of the person or persons who requested the delivery; and
 - (2) The date, time of and [premises](#) to which delivery was made; and
 - (3) The amount, grade and price of the oil delivered; and
 - (4) A certification that the usable fuel supply before the delivery was exhausted; and
 - (5) The charge, if any, for refiring the burner; and
 - (6) The amounts and from whom any payments were received.
 - e. A tenant shall not be required to comply with the provisions of paragraph a or b hereof unless the [owner](#) has continuously kept posted in a conspicuous place at the [premises](#) a notice containing his name, address and telephone number or that of his agent and the name, address and telephone number of the fuel supplier to the [premises](#).
 - f. For purposes of this section, a [multiple dwelling](#) shall be considered to lack heat if, during the months between October first and May thirty-first, while its usable fuel supply was exhausted, the outdoor temperature fell below fifty-five degrees Fahrenheit at any time during the hours between six o'clock in the morning and ten o'clock in the evening.
2. The deduction from rent allowed by this section shall also include a reasonable charge, if any, made by the supplier for refiring the oil burner at the [premises](#).
3. The [department](#) charged with the enforcement of laws, ordinances and regulations in relation to [multiple dwellings](#) shall:
 - a. Maintain and, to the extent practicable, update at least bi-weekly an index reflecting the range of prices of fuel oil according to grade and quantity paid per gallon on deliveries

NEW YORK STATE
MULTIPLE DWELLING LAW

within the jurisdiction of the [department](#) during the last two week period for which statistics are available; and

- b. Maintain and keep current and available a list of suppliers which have agreed to make deliveries of fuel oil in the circumstances, and to render such assistance as is otherwise required hereby to enable tenants to obtain the benefits, contemplated by this section.
4. The payment for fuel oil at a price within the range of prices permitted by paragraph c of subdivision one of this section shall be conclusively presumed to have been a reasonable price.
5. The introduction into evidence in any action or proceeding of any statement rendered in compliance with the provisions of paragraph d of subdivision one of this section shall be presumptive of the facts stated therein. Sufficient foundation for the allowance into evidence of such statement shall consist of the oral testimony of any person named as a payer of all or part of the amount indicated thereon relating the facts and circumstances in which the statement was rendered.
6. Any tenant who has in good faith secured and paid for fuel oil otherwise in conformance with the provisions of this section and against whom an action or proceeding to recover possession of the [premises](#) for nonpayment of rent or any other action or proceeding attributable at least in part to the tenant seeking or taking a deduction from rent as allowed by this section shall, in addition to any other amounts, be entitled to recover reasonable costs and attorney's fees against an [owner](#) bringing such action or proceeding.
7. No [owner](#) or agent shall be entitled to recover any amounts in damages from any fuel oil supplier who attempts in good faith and acts reasonably to carry out the intendment of this section except damages arising out of gross negligence.
8. The remedy provided in this section shall not be exclusive and a court may provide such other relief as may be just and proper in the circumstances. Nothing in this section shall be construed to limit or deny any existing constitutional, statutory, administrative or common law right of a tenant to contract and pay for the delivery of fuel oil for the [multiple dwelling](#) in which he resides or to pay for the cost of any other goods and services for such [multiple dwelling](#). This section shall not be construed to preclude any defense, counterclaim or cause of action asserted by a tenant that may otherwise exist with respect to an [owner's](#) failure to provide heat or any other service.
9. Any agreement by a tenant of a [dwelling](#) waiving or modifying his rights as set forth in this section shall be void as contrary to public policy.
10. The provisions of this section shall be liberally construed so as to give effect to the purposes set forth herein.
- *11. Nothing contained in this section and no payment made pursuant to this section shall be deemed to discharge the liability of a renter with an interest in real property pursuant to subdivision two of section three hundred four of the real property tax law from taxes levied on such interest.

*NB (Effective pending ruling by Commissioner of Internal Revenue)

§303. Enforcement.

1. Except as herein otherwise provided, the provisions of this chapter shall be enforced by the [department](#) charged with the enforcement of laws, ordinances and regulations in relation to [multiple dwellings](#).

NEW YORK STATE
MULTIPLE DWELLING LAW

- 1-a. For the purpose of enforcing the provisions of this chapter, the [department](#) shall have the power to subpoena witnesses, administer oaths and take testimony, compel the production of books, papers, records and documents and to hold public or private hearings, subject to the right of any person who shall appear hereunder to be represented by counsel of his own choosing, at any such hearing. The [department](#) may designate one or more of its members, officers or employees to exercise any one or more of such powers.
2. Nothing in this chapter shall be construed to abrogate or impair the powers of any department or of the courts to enforce the provisions of any local law, ordinance, rule, regulation or charter not inconsistent with this chapter, or to prevent violations or punish violators thereof.

§304. Penalties for violations.

1. Except as otherwise in this section specifically provided, every person who shall violate or assist in the violation of any provision of this chapter shall be guilty of a misdemeanor punishable, for a first offense, by a fine of not exceeding five hundred dollars or by imprisonment for a period of not exceeding thirty days, or by both such fine and imprisonment; for the second and any subsequent offense arising from the failure to remove the violation upon which the first offense was based, by a fine of not exceeding one thousand dollars or by imprisonment for a period of not exceeding six months, or by both such fine and imprisonment.
 - 1-a. Every person who shall violate or assist in the violation of any provision of sections [twenty-nine](#), [thirty-seven](#), [sixty-two](#), [eighty](#), [eighty-one](#), [eighty-three](#) or [three hundred twenty-five](#) of this chapter shall be guilty of an offense. The maximum fine for a first violation of any provision of such sections hereinbefore in this subdivision set forth, with respect to a particular [dwelling](#), shall be fifty dollars; the maximum fine for the second offense arising from the failure to remove the violation upon which the first offense was based shall be two hundred fifty dollars; the maximum fine for the third or any subsequent offense arising from the failure to remove the violation upon which the first and second offenses were based shall be five hundred dollars. Such a violation under this subdivision shall not be a crime and the penalty or punishment imposed therefor shall not be deemed for any purpose a penal or criminal penalty or punishment, and shall not impose any disability upon or affect or impair the credibility as a witness, or otherwise, of any person convicted thereof.
 2. Any person who, having been served with a notice or order to remove any nuisance or violation, shall fail to comply therewith within five days after such service, or shall continue to violate any provision or requirement of this chapter in the respect named in such notice or order, shall also be subject to a civil penalty of two hundred fifty dollars. Such persons shall also be liable for all costs, expenses and disbursements incurred by any such department or its agent or contractor in the removal of any such nuisance or violation.
 3. In case the notice required by [section three hundred twenty-five](#) is not filed, or the [owner](#) of a [dwelling](#) does not reside within the state or cannot after diligent effort be served with process therein, the existence of a nuisance or of any other violation of this chapter or of an order or a notice made by the [department](#), shall subject the [dwelling](#) and [lot](#) to a penalty of two hundred fifty dollars.
 4. An action may be brought in any court of competent civil jurisdiction for the recovery of any such penalties, costs and disbursements.

NEW YORK STATE
MULTIPLE DWELLING LAW

5. All penalties collected shall be paid into the treasury of the city, but no provision of this chapter shall prohibit the city from creating and maintaining out of such penalties a separate fund not in excess of twenty-five thousand dollars, out of which payment may be made for repairs made by any department charged with the enforcement of this chapter or its agents or contractors, as provided in [section three hundred nine](#).
6. No civil or criminal liability or penalty shall attach to any person who has acquired or shall acquire any [tenement](#) or [converted dwelling](#) by foreclosure of a mortgage or deed in lieu of foreclosure of a mortgage, because of his failure for a period of six months after the delivery of the referee's deed in foreclosure or the delivery of such deed in lieu of foreclosure, to comply with the provisions of this chapter in reference to such [tenement](#) or [converted dwelling](#), provided he remains the [owner](#) thereof. Upon the transfer of title by such person prior to the termination of the said six months, and in any event upon the termination of such period, such penalties shall apply as provided in this section.
 - 6-a. No civil or criminal liability or penalty shall attach to any person who has, by an order of a court, been appointed as a receiver in a foreclosure action to collect rents, because of his failure for a period of six (6) months after he qualifies as such receiver, to comply with any of the provisions of this chapter. Upon the receiver's discharge by the court prior to the termination of such period, and in any event upon the termination of such period, the penalties provided in this section shall thereafter apply.
 - 6-b. No civil or criminal liability or penalty shall attach to any person who shall by operation of law become an [owner](#) of a [multiple dwelling](#) then or thereafter certified and declared a public nuisance to any extent pursuant to paragraph b of subdivision one of [section three hundred nine](#) of this chapter, or the holder or beneficial [owner](#) of stock in such [owner](#), if a corporation, because of his failure to comply with any of the provisions of this chapter for a period of six months after he acquires ownership of said [multiple dwelling](#) or the stock or beneficial interest in the stock of a corporation which is the [owner](#).
7. None of the civil or criminal penalties provided in this section shall apply to any person because of his failure to comply with the provisions of [section two hundred thirty-three](#), subdivision four of section two hundred thirty-eight, subdivision three of [section two hundred forty](#) or subdivisions two and three of [section two hundred fifty](#) in reference to any old-law [tenement](#), if he agrees in writing with the [department](#) to comply with such provisions or to vacate or demolish such [tenement](#), within a period not exceeding six months fixed by the [department](#). Such agreement shall be in form satisfactory to the [department](#), and shall contain provisions to secure the performance thereof and such other terms as may be mutually agreed upon. The transfer of title or control by such person, or the termination of such period by limitation, shall subject the person then directly or indirectly in control of such [tenement](#) to the penalties prescribed by this section, if violations of such provisions then exist.
8. Whenever a [multiple dwelling](#) shall have been declared a public nuisance to any extent pursuant to paragraph b of subdivision one of [section three hundred nine](#) of this chapter and such declaration shall have been filed as therein provided, all officers, directors and persons having an interest, as holder or beneficial [owner](#) thereof, in more than ten per cent of the issued and outstanding stock of any corporation, other than a banking organization as defined in section two of the banking law, a national banking association, a federal savings and loan association, The Mortgage Facilities Corporation, Savings Banks Life Insurance Fund, The Savings Banks Retirement System, an authorized insurer as defined in section one hundred

NEW YORK STATE
MULTIPLE DWELLING LAW

seven of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least twenty savings banks or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation, then in operation and control of such [multiple dwelling](#), shall, in addition to all other liabilities and penalties provided in this chapter and elsewhere, be jointly and severally liable for all injury to person or property thereafter sustained by any tenant of such [multiple dwelling](#) or any other person by reason of the condition constituting such public nuisance and for all costs and disbursements including attorneys' fees of any suit brought by such tenant or other person.

9. No civil or criminal liability or penalty shall attach to any person by reason of his ownership or beneficial ownership of stock in a corporation owning a [multiple dwelling](#) declared to be a public nuisance pursuant to paragraph b of subdivision one of [section three hundred nine](#) of this chapter because of his failure to comply with any of the provisions of this chapter, whose interest in such corporation is less than twenty-five per cent of the issued and outstanding stock thereof, as [owner](#) or beneficial [owner](#) thereof, and who has sustained the burden of proving that he has not participated directly or indirectly in the management, operation or control of such [multiple dwelling](#).
10. No criminal liability or penalty shall attach to any person by reason of his ownership or beneficial ownership of stock in a corporation owning a [multiple dwelling](#) declared to be a public nuisance pursuant to paragraph b of subdivision one of [section three hundred nine](#) of this chapter because of his failure to comply with any of the provisions of this chapter unless and until he has had a reasonable period of time to comply following his having become an [owner](#) as defined in this chapter.
11. The term "person" as used in this section shall include the [owner](#), mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of a [dwelling](#) or part thereof. Whenever a [multiple dwelling](#) shall have been declared a public nuisance to any extent pursuant to paragraph b of subdivision one of [section three hundred nine](#) of this chapter and such declaration shall have been filed as therein provided, the term "person" shall be deemed to include, in addition to those mentioned hereinabove, all the officers, directors and persons having an interest in more than ten percent of the issued and outstanding stock of the [owner](#) as herein defined, as holder or beneficial [owner](#) thereof, if such person be a corporation other than a banking organization as defined in section two of the banking law, a national banking association, a federal savings and loan association, The Mortgage Facilities Corporation, Savings Banks Life Insurance Fund, The Savings Banks Retirement System, an authorized insurer as defined in section one hundred seven of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least twenty savings banks or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation.

§305. Violation of local laws and regulations.

Any [owner](#), architect, builder, contractor, sub- contractor, construction superintendent or their agents who shall, in the construction or [alteration](#) of any building or [structure](#) intended to be [occupied](#) as a [multiple dwelling](#), knowingly violate any of the provisions of local laws, ordinances, rules or regulations shall be guilty of a misdemeanor.

NEW YORK STATE
MULTIPLE DWELLING LAW

§306. Judicial procedure and orders.

1. In case any [multiple dwelling](#) or [structure](#) or any part thereof or the [lot](#) on which it is situated is constructed, altered, converted or maintained in violation of any provision of this chapter or of any order or notice of the [department](#), or in case a nuisance exists in any such [dwelling](#) or [structure](#) or part thereof or upon the [lot](#) on which it is situated, the [department](#) may institute any appropriate action or proceeding to prevent such unlawful construction, [alteration](#), conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of said [dwelling](#) or [structure](#) or any part thereof, or to prevent any illegal act, conduct or business in or about such [dwelling](#), [structure](#) or [lot](#).
2. In any such action or proceeding the [department](#) may, by affidavit setting forth the facts, apply to the supreme court, or to any justice thereof, or, if the [premises](#) in respect to which the action is brought are situated in the city of New York, to the New York city civil court, or, if the [premises](#) in respect to which the action is brought are situated in whole or in part within a district of the court, to the district court, or, if the [premises](#) in respect to which the action is brought are situated in whole or in part within a city outside of the city of New York, to the city court of such city, for:
 - a. An order granting the relief for which said action or proceeding is brought, or enjoining all persons from doing or permitting to be done any work in or about such [dwelling](#), [structure](#) or [lot](#) or any part thereof, or from occupying or using the same for any purpose, until the entry of final judgment or order.
 - b. An order authorizing the [department](#) to execute and carry out the provisions of any notice or order which is issued by the [department](#) and not complied with, to remove any violation specified in such notice or order, or to abate any nuisance in or about such [dwelling](#), [structure](#) or [lot](#).
3. In an action to establish a lien under this chapter, the service and procedure, except as otherwise provided in [section three hundred nine](#), shall be as set forth in sections [three hundred twenty-six](#) and [three hundred fifty-six](#) to [three hundred sixty](#), both inclusive.
4. The judgment in any such action may provide for the sale at public auction of the property affected, and for such other remedies to secure the enforcement thereof as the court may deem proper.
5. The court or any justice thereof is authorized to make any order specified in this section.
6. In no case shall the city, or the [department](#) or any officer or employee thereof, be liable for costs in any action or proceeding that may be commenced pursuant to this chapter.

§307. Liens.

Every fine imposed by judgment under [section three hundred four](#) upon an [owner](#) shall be a lien upon the [premises](#) in relation to which the fine is imposed from the time of the filing of a certified copy of said judgment in the office of the clerk of the county in which such [premises](#) are situated, subject only to taxes, assessments and water rates and to such mortgage and mechanics' liens as may exist thereon prior to such filing; and it shall be the duty of the [department](#) upon the entry of said judgment to file such certified copy forthwith, and such copy shall be forthwith indexed by such clerk in the index of mechanics' liens.

§308. Notice of pendency of action.

1. In any action or proceeding instituted by the [department](#) the plaintiff or petitioner may file in the county clerk's office of the county where the [premises](#) affected by such action or proceeding are situated, a notice of the pendency of such action or proceeding. Such notice

NEW YORK STATE
MULTIPLE DWELLING LAW

may be filed at any time after the service of any notice or order issued by the [department](#), at the time of the commencement of the action or proceeding, or at any time afterwards, before final judgment or order.

2. Each county clerk with whom such a notice is filed shall record and index it to the name of each person specified in a direction subscribed by the corporation counsel or other legal officer of the city.
3. Any such notice may be vacated upon the order of a judge or justice of the court in which such action or proceeding was instituted or is pending, or upon the consent in writing of the corporation counsel or other legal officer of the city. The clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as cancelled of record upon the presentation and filing of such consent or of a certified copy of such order.

§309. Repairs, vacation and demolition of buildings.

1.
 - a. The term "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence. Whatever is dangerous to human life or detrimental to health, and whatever [dwelling](#) is overcrowded with occupants or is not provided with adequate ingress and egress or is not sufficiently supported, ventilated, sewerred, drained, cleaned, or lighted in reference to its intended or actual use, and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this law, nuisances. All such nuisances are unlawful.
 - b. Whenever the [department](#) shall certify that any [multiple dwelling](#), or any part of its [premises](#), or the plumbing, sewerage, drainage, lighting or ventilation thereof, is in a condition or in effect dangerous to life or health, the [department](#) may, after giving notice to the [owner](#) and an opportunity to be heard at a hearing held for such purpose declare the same, to the extent it may specify, a public nuisance. Such declaration shall be filed as provided by [section three hundred twenty-eight](#) of this chapter, if applicable, or as a public record in the [department](#). The officers of a corporation upon which notice of such hearing has been served other than a banking organization as defined in section two of the banking law, a national banking association, a federal savings and loan association, The Mortgage Facilities Corporation, Savings Banks Life Insurance Fund, The Savings Banks Retirement System, an authorized insurer as defined in section one hundred seven of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least twenty savings banks or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation, shall serve similar notice on all stockholders of record of the corporation and other persons known to be stockholders or beneficial [owners](#) of the stock of the corporation. A stockholder upon whom such notice has been served shall serve similar notice upon any persons holding a beneficial interest in his stock.
 - c. The [department](#) may order or cause such nuisance to be removed, abated, suspended, purified, altered, repaired or otherwise improved as the order shall specify.
 - d. The [department](#) may order or cause any [multiple dwelling](#) or any part of its [premises](#), or any excavation, [structure](#), sewer, plumbing, pipe, passage, matter or thing in or about such [premises](#) to be purified, cleansed, disinfected, removed, altered, repaired or improved.

NEW YORK STATE
MULTIPLE DWELLING LAW

- e. Whenever the [department](#) shall certify that a nuisance exists in a [multiple dwelling](#), or any part of its [premises](#), which constitutes a serious fire hazard or is a serious threat to life, health or safety, the [department](#) may issue a written order to the [owner](#) directing the removal or remedying of such nuisance in the manner and within the time specified in such order which shall be not less than twenty-one days after the service thereof on the [owner](#) in the manner specified in subdivision one of [section three hundred twenty-six](#) of this chapter except that if the [department](#) shall determine that the condition is such that a delay of twenty-one days in remedying or removing the same may cause irreparable harm to the building or constitutes an imminent danger to its occupants, or the occupants of adjoining property or the general public, then the time specified for such remedy or removal may be less than twenty-one days.
 - f. If any order of the [department](#) is not complied with or not so far complied with as the [department](#) may regard as reasonable, within the time therein designated, then such order may be executed by the [department](#), its agents or contractors, or, as an alternative, if the [multiple dwelling](#) involved shall have been declared to be a public nuisance pursuant to paragraph b of subdivision one of [section three hundred nine](#) of this chapter and such declaration shall have been filed as therein provided, the [department](#) or a receiver appointed pursuant to subdivision five of this section or any tenant of such [multiple dwelling](#) may institute and maintain an action in the supreme court in the county where the [multiple dwelling](#) is located, or in the housing part of the New York city civil court, if the [multiple dwelling](#) is located in the city of New York, against any [owner](#) or [owners](#) to whom the order was issued pursuant to paragraph e of subdivision one of this section for an order compelling such [owner](#) of [owners](#) to comply with the [department's](#) order and, if such action be brought by such receiver or tenant, for payment of the costs and disbursements of the action including legal fees. Except as [owners](#) may have otherwise agreed, any [owner](#) who removes or remedies the nuisance in compliance with an order of the [department](#) or court shall be entitled to recover a proportionate share of the total expense of such compliance from all other [owners](#) to whom the [department's](#) order was issued or to whom such [owner](#) sent a copy of the [department's](#) order within thirty days of receipt of same by registered mail.
 - g. The [department](#) may in its discretion let out contracts for the repairs to be done pursuant to this section in accordance with the provisions of local laws, ordinances, rules and regulations of the city applicable to the letting of contracts for public works.
- 2.
- a. An "untenanted hazard" is a [multiple dwelling](#) or any part thereof, or any [structure](#) on the same [premises](#) with a [multiple dwelling](#), which has been untenanted for a period of sixty days or more and either is not guarded continuously by a resident caretaker or has any exterior openings which are not sealed in a manner approved by the [department](#) and is a fire hazard or in a condition dangerous or detrimental to human life, health or morals.
 - b. Whenever an officer of the [department](#) shall certify that any [multiple dwelling](#) or part thereof is an untenanted hazard, the [department](#) shall so notify the [owner](#) by attaching a notice in a conspicuous place on the [premises](#) to such effect, and sending by registered mail a copy of such notice to such [owner](#), at the address or addresses registered with the [department](#), or, if no address is registered with the [department](#) and such [owner](#) cannot with due diligence be served personally, by sending a copy of such notice by registered mail to the last known address of such [owner](#). The [department](#) shall also send a copy of

NEW YORK STATE
MULTIPLE DWELLING LAW

- such notice by registered mail to every [owner](#) of record of a mortgage upon such [premises](#), at the address of such [owner](#) appearing in the record of such mortgage in the office in which mortgages are registered in the county in which such [premises](#) are located or, if no address appear therein, by sending such notice by registered mail to the person at whose request such instrument was recorded.
- c. Such notice shall contain a description of the [dwelling](#), and a statement of the particulars in which the [dwelling](#) is deemed to be an untenanted hazard, and the order that the [dwelling](#) or part thereof be demolished. Such notice and order shall require the person thus served to certify within ten days thereafter to the [department](#) his assent or refusal to demolish the same.
 - d. If such demolition is not commenced within twenty-one days after the mailing and posting of such notice and order, such department shall then serve all such aforementioned persons further notice to the effect that on a certain day it will apply to the special term of the supreme court for the hearing of motions for the county in which such [premises](#) are located, or to the housing part of the New York city civil court, if the [premises](#) are located in the city of New York, for an order declaring such untenanted hazard to exist and directing the demolition of such [premises](#) or part thereof.
 - e. Such court shall, if it finds the statements in the notice to be true, direct that, if within five days after the order is entered it is not complied with, the [department](#) may proceed with the execution of such order through contractors in accordance with the provisions of local laws, ordinances, rules and regulations of the city applicable to the letting of contracts for public works, or through its own officers, agents or employees.
 - f. The expenses and disbursements incurred by the [department](#) in carrying out such orders shall be met from any appropriation for such purpose or, to the extent that no such appropriation has been made or that any such appropriation is insufficient, from the proceeds of the sale of obligations pursuant to the local finance law.
3. Whenever the [department](#) has incurred any expense for which payment is due under the provisions of this section, the [department](#) may institute and maintain a suit against the [owner](#) of the [dwelling](#) in respect to which such expense shall have been incurred and may recover the amount of such expense as in this section provided. In any case where expenditures made or obligations incurred by a receiver appointed pursuant to subdivision five of this section in remedying a nuisance are not paid or reimbursed from the rents and income of the [dwelling](#) or where the receivership expenses, fees and commissions are not paid or reimbursed from the rents and income of the [dwelling](#), the receiver may institute and maintain a suit against the [owner](#) of the [dwelling](#) to recover such deficiency.
 4.
 - a. The [department](#) or a receiver appointed pursuant to subdivision five of this section shall have a lien, for the expenses necessarily incurred in the execution of an order, upon the [premises](#) upon or in respect of which the work required by said order has been done or expenses incurred, which lien shall have priority over all other mortgages, liens and encumbrances of record, except taxes and assessments levied pursuant to law. In the event that a receiver having a lien, in favor of the department of real estate, is discharged and such lien is in effect at the time of such discharge, such lien shall continue to vest in the department of real estate.
 - b. No such lien shall be valid for any purpose until the [department](#) or receiver, as the case may be, shall file where notices of mechanics' liens are required to be filed, a notice

NEW YORK STATE
MULTIPLE DWELLING LAW

containing the same particulars as required to be stated with reference to mechanics' liens, with the further statement that the expense has been incurred in pursuance of the order of the [department](#), and giving the date of the order, or in performance by the receiver of the work required to remedy a condition pursuant to an order of the court establishing the receivership and giving the date of the order, or that a deficiency has accrued with respect to the receivership established pursuant to an order of the court and giving the date of the order, as the case may be. Such notice shall be filed at any time during the progress of the work required by such order or undertaken by the receiver, or within four months after the completion of the contract, or the final performance of the work or the final furnishing of the materials, dating from the last item of work performed or materials furnished or, in the case of a deficiency, at any time before the discharge of the receiver.

- c. The officer with whom such notice is filed shall make the same entry on the book or index in which mechanics' liens are entered as he is required to enter in cases of mechanics' liens, together with a reference to such order by date; and thereafter such lien shall, except as herein otherwise provided, have the same effect in all respects as to all persons as a mechanics' lien; and all proceedings with reference to such lien, its enforcement and discharge, shall be carried on in the same manner as similar proceedings with reference to other mechanics' liens.
 - d. Unless, within six months after actual notice of such filing, proceedings are taken by the party against whom or whose [premises](#) a lien is claimed, to discharge such lien, the filing shall, as to all persons having such actual notice, become conclusive evidence that the amount claimed in the notice of lien, with interest, is due, and is a just lien upon the [premises](#).
 - e. Such lien shall continue to be a lien for a period of one year from the time of its filing unless proceedings are in the meantime taken to enforce or discharge it, which may be done at any time during its continuance. In case proceedings are so taken, the lien shall remain in effect until the final termination of such proceedings; and if such proceedings shall result in a judgment for the amount claimed or any portion thereof, such judgment shall, to such extent, be a lien in the same manner and from the same time as the original lien.
- 5.
- a. If the [department](#) shall desire that a receiver be appointed as herein after provided to remove or remedy a nuisance described in paragraph e of subdivision one of this section and that such receiver shall obtain a lien for costs incurred in connection therewith in favor of the department of real estate, which shall have the priority with respect to existing mortgages or liens provided in paragraph e of this subdivision, it shall within five days after the service of the order upon the [owner](#) serve a copy of such order upon every mortgagee and lienor of record personally or by registered mail, return receipt requested, at the address set forth in the recorded mortgage or lien. Appended to the copy of such order shall be a notice addressed to such mortgagee and lienor stating that in the event the nuisance is not removed or remedied in the manner and within the time specified in the order, the [department](#) may apply to the supreme court, or to the housing part of the New York city civil court, if the [premises](#) are located in the city of New York, or, to the district court, if the [premises](#) are located in whole or in part within a district of the court, or, to the city court of a city outside the city of New York, if the [premises](#) are located in whole or in part within such city, for an order to show cause why a receiver of

NEW YORK STATE
MULTIPLE DWELLING LAW

the rents, issues and profits of the property shall not be appointed with rights therein superior to those of such [owner](#), mortgagee or lienor.

- b. The [department](#) shall file a copy of such notice and order in the office of the county clerk in which mechanics liens affecting the property would be filed.
- c.
 1. The [department](#) may thereafter apply to the supreme court in the county where the property is situated, or to the housing part of the civil court of the city of New York, if the property is situated in the city of New York, by verified petition for an order directing the [owner](#) and any mortgagees or lienors of record to show cause why the commissioner or chief executive of the bureau or department of real estate of the municipality should not be appointed receiver of the rents, issues and profits of the property and why said receiver should not remove or remedy such condition and obtain a lien in favor of the department of real estate against the property having the priority provided in paragraph e of this subdivision to secure repayment of the costs incurred by the receiver in removing or remedying such condition. Such application shall contain
 - (a) proof by affidavit that an order of the [department](#) has been issued and served on the [owner](#), mortgagees and lienors in accordance with and within the periods specified in paragraph e of subdivision one of this section and paragraph a of this subdivision and filed in accordance with the provisions of paragraph b of this subdivision;
 - (b) a statement that a nuisance which constitutes a serious fire hazard or is a serious threat to life, health, or safety continued to exist in said property after the time fixed for the removal thereof in the [department](#) order and a description of the property and conditions constituting such nuisance;
 - (c) a brief description of the nature of the work required to remove or remedy the condition and an estimate as to the cost thereof. Such order to show cause shall be returnable not less than five days after service is completed and shall provide for personal service of a copy thereof and the papers on which it is based on the [owners](#) and mortgagees of record and lienors. If any such [owner](#), mortgagee or lienor cannot with due diligence be served personally within the city where the property is located and within the time fixed in such order, then service may be made on such persons by posting a copy thereof in a conspicuous place on the [premises](#) where the nuisance exists, and by sending a copy thereof by registered mail, return receipt requested, to the [owner](#) at the last address registered by him with the [department](#), or in the absence of such registration, to the address set forth in the last recorded deed with respect to said [premises](#), or, in the case of a mortgagee or lienor, to the address set forth in the recorded mortgage or lien and by publication in a newspaper of general circulation in the county where such [premises](#) are located, which newspaper, if there is an official law paper for such county, shall be such official law paper. Service shall be deemed complete on filing proof of service thereof in the office of the clerk of the court in which such application is made.
 2. If the condition constituting the nuisance is such that unless immediately cured irreparable damage may be caused to the building or it constitutes an imminent danger to its occupants, or the occupants of adjoining properties then the order to

NEW YORK STATE
MULTIPLE DWELLING LAW

show cause may be returnable in the discretion of the court in less than five days, and in such case, service may be made on the [owner](#), mortgagee and lienor by posting a copy thereof in a conspicuous place on the [premises](#) where the nuisance exists and by mailing a copy in the case of the [owner](#) to the address filed with the [department](#) and in the case of the mortgagee and lienor to the address recorded. If a receiver be appointed as hereinafter provided, and service shall not have been made in accordance with subparagraph one, then his appointment shall be temporary only and expire not more than thirty days thereafter unless, prior to the expiration of such thirty days, the [department](#) shall serve notice on the [owner](#), mortgagees and lienors in the manner provided for in subparagraph one hereof of intention to apply to the court at a date fixed in such notice and not less than five days after the service of such notice, for an extension of said receivership. In such event the period of the appointment of the temporary receiver shall be deemed to be extended for a further period of fifteen days. In addition to the requirements set forth in subparagraph one, such notice shall also contain a statement of any expenditures made or obligations incurred by the receiver during the period of his temporary appointment. On the date fixed in such notice, the court shall determine whether or not to extend the period of receivership and such determination shall be made as if the application were an original one for the appointment of a receiver, pursuant to subparagraph one.

3. On the return of said order to show cause, determination shall have precedence over every other business of the court unless the court shall find that some other pending proceeding, having a similar statutory precedence, shall have priority. If the court shall find that the facts stated in such application warrant the granting thereof, then the commissioner or chief executive of the bureau or department of real estate of the municipality shall be appointed receiver of the rents, issues and profits of the property. However after determination of the issue if the [owner](#) or any mortgagee or lienor or other person having an interest in the property shall apply to the court to be permitted to remove or remedy the conditions constituting the nuisance and shall
 - (1) demonstrate the ability promptly to undertake the work required; and
 - (2) post security for the performance thereof within the time, and in the amount and manner, deemed necessary by the court, then the court may in lieu of appointing such receiver issue an order permitting such person to perform the work within a time fixed by the court. If at the time fixed in the order the conditions constituting the nuisance have not been satisfactorily remedied or removed, then the court shall appoint such receiver. If after the granting of an order permitting a person to perform the work but before the time fixed by the court for the completion thereof it shall appear to the [department](#) that the person permitted to do the same is not proceeding with due diligence, then the [department](#) may apply to the court on notice to those persons who have appeared in the proceeding for a hearing to determine whether such receiver shall be appointed immediately. On the failure of any such [owner](#), mortgagee, lienor or other person having an interest in the property to complete the work in accordance with the provisions of said order, the [department](#), or any such receiver thereafter appointed shall be reimbursed for costs incurred by him in removing or remedying the condition and other charges herein provided for out of such security.

d.

NEW YORK STATE
MULTIPLE DWELLING LAW

1. Any receiver appointed pursuant to this subdivision shall have all of the powers and duties of a receiver appointed in an action to foreclose a mortgage on real property, together with such additional powers and duties as herein granted and imposed. The receiver shall with all reasonable speed remedy the nuisance and remove all the delinquent matters and deficiencies in the [dwelling](#) including those constituting a fire hazard or a threat to life, health or safety and may, in addition to ordinary repairs, maintenance and replacement, make other improvements to effect a rehabilitation of the property, in such fashion as is consistent with maintaining safe and habitable conditions over the remaining useful life of the [dwelling](#). He shall have the power to let contracts therefor or incur expenses in accordance with the provisions of local laws, ordinances, rules and regulations applicable to contracts for public works except that advertisement shall not be required for each such contract. Notwithstanding any such laws, ordinances, rules or regulations, the receiver may let contracts or incur expenses for individual items of repairs, improvements or supplies without the procurement of competitive bids where the total amount of any such individual item does not exceed twenty-five hundred dollars. The receiver shall not be required to file any bond. He shall collect the accrued and accruing rents, issues and profits of the [dwelling](#) and apply the same to the cost of removing or remedying such nuisance, to the making of such other improvements as aforesated, to the payment of expenses reasonably necessary to the proper operation and management of the property, including insurance and the fees of the managing agent, and the necessary expenses of his office as receiver, the repayment of all monies advanced to the receiver by the department of real estate to cover the costs incurred by the receiver and interest thereon; and then, if there be a surplus, to unpaid taxes, assessments, water rents, sewer rents and penalties and interest thereon, and then to sums due to mortgagees or lienors. If the income of the property shall be insufficient to cover the cost of remedying or removing such nuisance, or to making of such other improvements as aforesated, or of the expenses reasonably necessary to the proper operation and management of the property and other necessary expenses of the receiver, the department of real estate shall advance to the receiver any sums required to cover such cost and expenses and thereupon shall have a lien against the property having the priority provided in paragraph e for any such sums so advanced with interest thereon.
2. Nothing herein contained shall be deemed to relieve the [owner](#) of any civil or criminal liability incurred or any duty imposed by this chapter by reason of acts or omissions of the [owner](#) prior to the appointment of any receiver hereunder, nor shall anything contained herein be construed to suspend during the receivership any obligation of the [owner](#) for the payment of taxes or other operating and maintenance expenses of the [dwelling](#) nor of the [owner](#) or any other person for the payment of mortgages or liens.
3. The receiver shall be entitled to the same fees, commissions and necessary expenses as receivers in actions to foreclose mortgages. Such fees and commissions shall be paid into the fund created pursuant to subdivision nine of this section. The receiver shall be liable only in his official capacity for injury to person and property by reason of conditions of the [premises](#) in a case where an [owner](#) would have been liable; he shall not have any liability in his personal capacity. The personnel and facilities of the

NEW YORK STATE
MULTIPLE DWELLING LAW

bureau or department of real estate and the corporation counsel shall be availed of by the receiver for the purpose of carrying out his duties as such receiver and the cost of such services shall be deemed a necessary expense of the receiver.

4. The receiver shall be discharged upon rendering a full and complete accounting to the court when such condition has been removed and the cost thereof and all other costs authorized by this paragraph have been paid or reimbursed from the rents and income of the [dwelling](#) and the surplus money, if any, has been paid over to the [owner](#) or the mortgagee or lienor as the court may direct. However, at any time, the receiver may be discharged upon filing his account as receiver without affecting the right of the department of real estate to its lien. Upon the removal of such condition, the [owner](#), the mortgagee or any lienor may apply for the discharge of the receiver upon payment to the receiver of all moneys expended by the receiver for removal of such condition and all other costs authorized by this paragraph which have not been paid or reimbursed from the rents and income of the [dwelling](#).
5. Anything herein contained to the contrary notwithstanding, a temporary receiver appointed on the return of an order to show cause served only in accordance with subparagraph two of paragraph c of this subdivision shall not, without express order of the court, make any repairs or improvements to the property or incur any expenses in the operation thereof during the period of his temporary appointment except such as may be necessary to remedy or remove the immediate condition which called for his appointment and to the ordinary operation and maintenance of the property. For such specific purpose the receiver shall be entitled to let such contracts and undertake such expenses as may be necessary to accomplish the specific results without advertisements and without procuring competitive bids.
 - e. Any lien of a receiver, in favor of the department of real estate, arising under this section shall have priority over all other mortgages, liens and encumbrances of record except taxes and assessments levied pursuant to law.
 - f. Failure to serve a copy of the order and notice required in the manner specified by paragraph e of subdivision one and paragraph a of this subdivision, or failure to serve any mortgagee or lienor with a copy of the order to show cause as required by subparagraph one of paragraph c of this subdivision shall not affect the validity of the proceeding or the appointment of a receiver, but the rights of the department of real estate or of the receiver shall not in such event be superior in any way to the rights of any mortgagee or lienor who shall not have been served as provided herein.
 - g. Any mortgagee or lienor who at his expense remedies or removes the nuisance to the satisfaction of the court pursuant to the provisions of subparagraph three of paragraph c of this subdivision shall have and be entitled to enforce a lien equivalent to the lien granted to the receiver in favor of the department of real estate hereunder. Any mortgagee or lienor who, following the appointment of a receiver by the court, shall reimburse the receiver and the department of real estate for all costs and charges as hereinabove provided shall be entitled to an assignment of the lien granted to the receiver in favor of the department of real estate.
6. When the [department](#) shall have executed any order so far as it may require, the [department](#) shall file among its records such order and an affidavit stating with fairness and accuracy in general terms the items of expense and the date of execution of such order. When it shall appear that such execution, or the expenses thereof, related to several [premises](#) belonging to

NEW YORK STATE
MULTIPLE DWELLING LAW

different persons, such affidavit shall state what part belongs to or arose in respect to each of the [premises](#) as the [department](#) may direct. The [department](#) may revise the correctness of such apportionment of expenses as truth and justice may require.

7.
 - a. Whenever the [department](#) shall sue for the expenses involved in the execution of any order, it may join in the same suit any claim for any penalty for the violation of any provisions of this chapter. Joint or several judgments may be had against one or more of the defendants in the suit, as they or any of them may be liable in respect of all or any of such claims. The expenses of executing such an order, and any judgment in any abatement suit provided for in this chapter, and the several judgments that may be recovered for any such penalties and expenses, until the same are paid or discharged shall be a lien like other judgments, and also a lien and charge upon rent and compensation due or then maturing from any tenant or occupant of the [dwelling](#) and [premises](#) or parts thereof to which any such order or judgment relates, or in respect of which any such expenses were incurred.
 - b. The [department](#) may serve a copy of an order or a transcript of a judgment and any affidavit showing the expense of execution upon any person who owes or is about to owe any rent or compensation for the occupancy of any [premises](#) to which such order or judgment relates, and in respect of which such expenses were incurred. The [department](#) may, at any time after such service, demand in writing that such rent or compensation to the extent of such claim shall, when such rent or compensation becomes due and payable, be paid to the [department](#) and such person shall thereupon become obligated to pay the same. A receipt shall be given for each such payment stating on account of what order or judgment and expenses it has been received. The amount so received shall be deposited wherever other funds of the [department](#) are kept. If a special fund has been created and maintained, as provided in [section three hundred four](#), such payments shall be deposited to the credit of such fund.
 - c. Any person refusing or omitting to make such a payment after such service and demand may be sued therefor by the [department](#). Such person shall not in such suit dispute the authority of the [department](#) to incur or order such expenses or the validity or correctness of such expenses or judgment in any particular, or the right of the [department](#) to have the same paid from such rent or compensation. The receipt of the [department](#) for any sum so paid shall, in all suits and proceedings and for every purpose, be as effectual in favor of any person holding the same as actual payment of the amount thereof to the [owner](#) or other person or persons who would, but for the provisions of this section and of such demand, have been entitled to receive the sum so paid. No tenant or occupant of any [premises](#) shall be dispossessed or disturbed, nor shall any lease or contract or rights be forfeited or impaired, nor any forfeiture or liability be incurred, by reason of any omission to pay to any [owner](#), contractor or other person any sum so paid to the [department](#).
8. The [department](#) shall retain any money so paid until twelve days after it has received evidence by satisfactory affidavit that the party or parties, or his or their agent, who but for the provisions hereof would have been entitled to receive the same, has had written notice of such payment being made, which notice shall be served in the manner provided by this chapter for the service of an order. If at the end of such twelve days the party or parties so notified have not instituted suit to recover such money the [department](#) shall pay it to the

NEW YORK STATE
MULTIPLE DWELLING LAW

fiscal officer of the city. If a special fund has been created and maintained as provided in [section three hundred four](#), the fiscal officer shall deposit such money to the credit of such fund.

9. The expenses incurred by the receiver in removing or remedying a condition pursuant to the provisions of this section shall be met from a fund to be known as the [multiple dwelling section three hundred nine](#) operating fund. Such fund shall consist of such amounts as may be appropriated by the board of estimate or other analogous appropriating body of the city. Such fund shall be maintained in a separate account by the department of real estate and expenditures therefrom may be made by the receiver to meet the costs of removing or remedying such conditions, subject to audit by the comptroller or chief fiscal officer of the city. The receiver shall repay the amounts so expended to such fund from the proceeds of any amounts recovered pursuant to the provisions of this section. In the event that the amount in such fund is insufficient for such purposes and if no appropriation or an insufficient appropriation has been made therefor, the expenses incurred by the receiver in removing or remedying such conditions may be met from the proceeds of the sale of bonds issued in accordance with the provisions of the local finance law. In the event that the amounts from time to time in such fund exceed two hundred thousand dollars (\$200,000), such excess may be applied to the payment of the principal and interest due upon any bonds issued pursuant to this subdivision, or, if no such bonds are outstanding, any such excess may be transferred to the general fund of the city.
10. Reference in this section to a bureau or department of real estate or to a commissioner or chief executive of a bureau or department of real estate of a municipality, when used in connection with or affecting either a receiver or a [multiple dwelling](#) in the city of New York, shall be construed to mean the [department](#) or commissioner of housing preservation and development or the [department](#) or commissioner of buildings, or both such departments or commissioners, as the case may be, of the city of New York.
11.
 - a. Notwithstanding any other provision of law, where a repair has been made by the [department](#) pursuant to this section, or any other law, to abate a hazardous condition or correct any violation of this chapter, or any other state or local law, which arises from the existence of lead based paint, the [department](#) may, in whole or in part, waive its right to a lien on the affected [premises](#) and repayment of such expenses and disbursements as were necessary to abate such hazardous conditions or correct such violation of law. The [department](#) shall promulgate rules setting forth the standards for such waivers.
 - b. Notwithstanding any other provision of law, where there is a hazardous condition or violation of this chapter or other state or local law which arises from the existence of lead based paint, the [department](#) may make grants or loans to [owners](#) for the expenses, in whole or in part, of abating such hazardous condition or correcting such violation of law. The [department](#) shall promulgate rules setting forth the standards for such grants or loans.

§309-a. [Multiple dwelling; apartment](#) prohibitions for certain employees.

1. No janitor, superintendent, manager, custodian, or the like, of a [multiple dwelling](#) shall be permitted to reside in an [apartment](#) unit in the [multiple dwelling](#) in which he is employed if the rental of such [apartment](#) unit to a tenant is prohibited by any general, special, or local law.

NEW YORK STATE
MULTIPLE DWELLING LAW

2. An [owner](#), agent or operator of a [multiple dwelling](#) may apply to the [department](#) for a waiver of the provisions of this section on the ground that there is a bona fide unavailability of a suitable [apartment](#) unit for occupation by any of the above mentioned employees. Upon a determination that such unavailability does exist, the [department](#) may grant an exemption from the application of the provisions of subdivision one of this section upon such terms and conditions as it shall deem appropriate.
3. For the purposes of this section, the term "multiple dwelling" shall mean a building in which there is either rented, leased, let or hired out to be [occupied](#), or is [occupied](#) as the residence or home of three or more [families](#) living independently of each other.

§310. Board of appeals.

1. As used in this section "**board**" shall mean the agency of a city constituted as a board and authorized by law both to grant variances of the zoning resolution and to make rules supplemental to laws regulating construction, maintenance, use and area of buildings; provided, however, that where, in a city to which this chapter applies, there is no board as so described, then a board may be created by local law or ordinance to possess the powers, perform the functions and grant the variances as hereinafter in this section provided; and any board so created shall be deemed to be a "board" within the meaning of such term as hereinbefore in this subdivision described.
2. Where the compliance with the strict letter of this chapter causes any practical difficulties or any unnecessary hardships the [board](#) shall have the power, on satisfactory proof at a public hearing, provided the spirit and intent of this chapter are maintained and public health, safety and welfare preserved and substantial justice done, to vary or modify any provision or requirement of this chapter, or of any rule, regulation, supplementary regulation, ruling or order of the [department](#) with respect to the provisions of this chapter, as follows:
 - a. For [multiple dwellings](#) and buildings existing on July first, nineteen hundred forty-eight, in cities with a population of one million or more, and for [multiple dwellings](#) and buildings existing on November first, nineteen hundred forty-nine, in cities with a population of five hundred thousand or more but less than one million, provisions relating to:
 - (1) [Height](#) and bulk;
 - (2) Required open spaces;
 - (3) Minimum dimensions of yards or courts;
 - (4) Means of egress;
 - (5) [Basements](#) and [cellars](#) in [tenements](#) and [converted dwellings](#).The population restrictions contained in this paragraph shall not apply to any [multiple dwelling](#) otherwise entitled to the variances herein pursuant to the provisions of subdivision seven of [section fifty-six](#) of this chapter.
 - b. For [multiple dwellings](#) and buildings erected or to be erected or altered after July first, nineteen hundred forty-eight pursuant to plans filed prior to December fifteenth, nineteen hundred sixty-one, provisions relating to:
 - (1) Required open spaces; or
 - (2) Minimum dimensions of yards or courts.
 - c. For [multiple dwellings](#) and buildings erected or to be erected or altered pursuant to plans filed on or after December fifteenth, nineteen hundred sixty-one, or before such date

NEW YORK STATE
MULTIPLE DWELLING LAW

provided such plans comply with the provisions of paragraph d of subdivision one of [section twenty-six](#), provisions relating to:

- (1) [Height](#) and bulk;
- (2) Required open spaces; or
- (3) Minimum dimensions of yards and courts.

Variations or modifications may be granted pursuant to Paragraphs b and c only on condition that open areas for light and air are provided which are at least equivalent in area to those required by the applicable provisions of this chapter and pursuant to sub-paragraph one of paragraph c only on the further conditions that there are unique physical or topographical features, peculiar to and inherent in the particular [premises](#), including irregularity, narrowness or shallowness of the [lot](#) size or shape and such variance would be permitted under any provision applicable thereto of the local zoning ordinance.

- d. In the city of Buffalo, until July first, nineteen hundred and sixty-four for frame [multiple dwellings](#), existing on November first, nineteen hundred forty-nine, and for buildings on the same [lot](#) existing on such date or altered after such date, applicable provisions relating to sections [nine](#), [eleven](#), [fifty-six](#), [two hundred sixty-four](#) and [article six](#).
- e. In the city of Buffalo, until July first, nineteen hundred and sixty-four for [dwellings](#) three stories or less in [height](#) converted prior to November first, nineteen hundred forty-nine, applicable provisions of [section one hundred eighty-five](#) provided that
 - (1) where such [dwelling](#) is [occupied](#) by three [families](#), all the provisions of article six must be complied with and the [cellar stairs](#) enclosed with [fire-retarded](#) materials with a one hour fire door;
 - (2) where such [dwelling](#) is [occupied](#) by more than three [families](#) and there are two independent means of egress accessible on each [story](#) to each [apartment](#), the [cellar stairs](#) must be enclosed with [fire-retarded](#) materials with a one hour fire door and there must be automatic sprinklers in the [public halls](#) and stairways;
 - (3) where such [dwelling](#) is [occupied](#) by more than three [families](#) and there are not two independent means of egress accessible from each [story](#) to each [apartment](#), the [cellar stairs](#) must be enclosed with [fire-retarded](#) materials with a one hour fire door, there must be automatic sprinklers in the [public halls](#) and stairways and there must be two independent means of egress accessible to each [apartment](#) on the third [story](#).
- f. The variance authorized by paragraphs d or e of this subdivision may be granted only upon the prior approval of the fire, health and building departments of such city and certification by the heads of such departments that the variance sought is not against the public interest.
- g. The [board](#) may, as a condition of granting the variance authorized by paragraphs d or e of this subdivision, impose such additional requirements of health and safety as it may deem necessary or advisable for the proper protection of the occupants of the [dwelling](#).
- *h. Notwithstanding any other provision of law, the city of Buffalo may grant variances regarding subdivision twenty-five of [section four](#) and subdivision five of [section one hundred one](#) of this chapter only where such variances comply with the minimum standards set forth in the New York state building construction code which is applicable to [multiple dwellings](#), and have been approved by the state division of housing and community renewal.

*NB Expired January 1, 1984

NEW YORK STATE
MULTIPLE DWELLING LAW

3. An application for such a variance or modification may be made by any person aggrieved or by the head of any public agency, within such time and under such procedure, conditions and rules as may be prescribed by the [board](#). The [board](#) shall fix a reasonable time for the hearing of an application and shall require that due notice be given of the time and place of such hearing to the applicant and to the [department](#). Any person or a duly authorized representative of any public agency may appear at any such hearing and be heard on any such application.
4. In every case the [board](#) shall state the reason or reasons for its decision. All decisions of the [board](#) shall be subject to review in the same manner as is provided by law for review of decisions of such [board](#) respecting variances of the zoning resolution.
5. A record of all decisions of the [board](#), indexed according to the section or sections of this chapter affected thereby, shall be kept in the office of the [board](#). Such record shall be open to public inspection at all times during business hours.
6. The [board](#) shall have power to charge and collect reasonable fees and to make rules governing such charges. All moneys so collected shall be deposited in the general fund of the city.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 9

REGISTRY OF NAMES AND SERVICE OF PAPERS

§325. Registry of owner, agent and lessee.

1. Every owner of a multiple dwelling, every lessee of a whole dwelling and every agent or other person having control of such a dwelling, shall file in the department a notice containing his name, address and a description of the premises, by street number or otherwise, and the class and kind of the dwelling thereon, in such manner as will enable the department to find the same; and also the number of apartments and rooms in each apartment on each story, and the number of families occupying the apartments. If such owner or lessee be a corporation, other than a banking organization as defined in section two of the banking law, a national banking association, a federal savings and loan association, The Mortgage Facilities Corporation, Savings Banks Life Insurance Fund, The Savings Banks Retirement System, an authorized insurer as defined in section one hundred seven of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least twenty savings banks or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation, the names and residence addresses of its officers shall also be contained in such notice. A similar notice shall be filed within thirty days following an election of any new officer or a change of address of any such officer. The provisions of this section also shall apply to successors in title, ownership or control of any premises, whether by act of the parties or by process or operation of law and, within thirty days after such succession, particulars of such ownership or control shall be filed in the department. If any successor in interest be under the age of twenty-one years his duly appointed guardian or, if there be no guardian, his administrator shall comply with this section in his behalf. Where after the filing of any notice under this section, the premises shall have been declared a public nuisance to any extent pursuant to paragraph b of subdivision one of section three hundred nine of this chapter and such declaration shall have been filed as therein provided, the owner, if a corporation, other than a banking organization as defined in section two of the banking law, a national banking association, a federal savings and loan association, The Mortgage Facilities Corporation, Savings Banks Life Insurance Fund, The Savings Banks Retirement System, an authorized insurer as defined in section one hundred seven of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least twenty savings banks or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation, shall file a similar notice within ten days which shall in addition contain the name and residence and business address of each director and stockholder of the corporation and of each person known to have any beneficial interest in such stock.
2. In any city of over one million which, by local law, requires the registration of owners of multiple dwellings and which prescribes penalties, remedies, and sanctions to be imposed for the violation of such local registration requirements, no rent shall be recovered by the owner of a multiple dwelling who fails to comply with such registration requirements until he complies with such requirements. If a resident of an unregistered dwelling voluntarily pays rent or an installment of rent when he had a right to withhold the same under this subdivision, he shall not thereafter have any claim or cause of action to recover back the rent or

NEW YORK STATE
MULTIPLE DWELLING LAW

installment of rent so paid. A voluntary payment within the meaning of this subdivision means payment other than one made pursuant to judgment in an action or special proceeding.

§326. Service of notices, orders and summonses.

1. Every notice, order or summons relative to a [dwelling](#) shall be served five days before the time for compliance therewith. The posting of a copy of such notice, order or summons in a conspicuous place in such [dwelling](#), together with the mailing of a copy thereof, within five days of such posting, to each person whose name has been filed with the department of health or the [department](#) charged with the enforcement of this chapter, in accordance with the provisions of [section three hundred twenty-five](#), at his address as therewith filed, shall be sufficient service thereof, except as provided in subdivision three.
2. Except as provided by the provisions of this chapter which are less restrictive than the provisions of this subdivision, if any notice, order or summons is directed to any person pursuant to any provision of this chapter, including the provisions of subdivision two of [section three hundred nine](#), and if the address of such person is not registered or, in any case for which personal service is provided, if such person cannot with due diligence be served personally, then such notice, order or summons may be served by posting a copy thereof in a conspicuous place upon the [premises](#) within which a violation is alleged to have been placed or a condition complained of is alleged to exist, and by sending a copy thereof by registered mail, return receipt requested, addressed to such person at his last known address or place of residence.
3. In the case of a summons if the address of any agent or lessee whose name and address have been filed in accordance with the provisions of [section three hundred twenty-five](#) is in the city in which the [dwelling](#) is situated, then a copy of the summons shall also be delivered at such address to a person of lawful age, if upon reasonable application admittance can be obtained and such person found; and provided also that personal service of the summons upon the [owner](#) of such [dwelling](#) shall be sufficient service thereof upon him.
4. Notwithstanding any inconsistency with this section, in a city, having a population of one million or more, a local law may provide for the manner of serving civil process for the enforcement of penalties, sanctions and remedies provided in such local law.

§327. Indexing names; fees for searches.

1. The names and addresses filed in accordance with [section three hundred twenty-five](#) shall be indexed under the direction of the registrar of records of the [department](#) in such a manner that all of those filed in relation to each [dwelling](#) shall be together and readily ascertainable. The [department](#) shall provide the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the city. Such indices shall be public records.
2. The [department](#) shall have power to charge and collect fees for searches, and to make rules governing charges for certification of pending violations.

§328. Central Violations Bureau.

1. In cities having a population of one million or more, the [department](#) shall establish a central violations bureau which shall establish and maintain currently an index showing and a file containing, with respect to each building located in the city, the name, address and telephone number of the present [owner](#) of the building and whether or not he is a member in good standing of the rent stabilization association or registered pursuant to the emergency tenant

NEW YORK STATE
MULTIPLE DWELLING LAW

protection act of nineteen seventy-four or the rent stabilization law of nineteen hundred sixty-nine where one or more [dwelling](#) units therein are subject to the rent stabilization law, each notice and order of the building department, the fire department, the health department, the water supply, gas and electricity department and of every other municipal department or agency having jurisdiction over such building alleging the occupation of such building in violation of law or the existence of a nuisance therein and of each notice, order, rule or certificate showing the clearance, correction or abatement of such violation or nuisance.

2. It shall be the duty of the [department](#) and of every other municipal department and agency having jurisdiction over buildings located in the city of New York to file with the central violations bureau established by this section a true copy of each notice and order of such department or agency alleging the occupation of a building in violation of law or the existence of a nuisance therein and of each notice, order, rule or certificate showing the clearance, correction or abatement of such violation or nuisance within seventy-two hours from the date of issuance of such notice, order, rule or certificate.
3. In any action or proceeding before the housing part of the New York city civil court either
 - (a) the visually displayed or
 - (b) the printed computerized violation files of the [department](#) responsible for maintaining such files and all other computerized data as shall be relevant to the enforcement of state and local laws for the establishment and maintenance of housing standards, including but not limited to the name, address and telephone number of the present [owner](#) of the building and whether or not he is a member in good standing of the rent stabilization association or registered pursuant to the emergency tenant protection act of nineteen seventy-four or the rent stabilization law of nineteen hundred sixty-nine where one or more [dwelling](#) units therein are subject to the rent stabilization law, shall be prima facie evidence of any matter stated therein and the courts shall take judicial notice thereof as if same were certified as true under the seal and signature of the commissioner of that department.

§329. Certificate of inspection visits.

In a city of over one million population the [department](#) shall issue without fee to all [owners](#) of [multiple dwellings](#) located in such city, a certificate of inspection visits upon which shall appear the title in bold print "CERTIFICATE OF INSPECTION VISITS", the name, address and telephone number of the [owner](#) of the building, the street address of the building and the words, "The undersigned hereby certifies that he visited the above-described building on the date and for the purposes set opposite his name". The certificate shall be placed and maintained in a conspicuous place inside the [multiple dwelling](#) within view of the place at which mail is delivered to the building or at such other location as may be approved by the [department](#) and in a place readily accessible for signature by employees of the [department](#). In the event that the certificate is destroyed or defaced or the signature lines become filled with signatures, the [owner](#) shall apply for and the [department](#) shall issue to him free of charge a duplicate certificate of inspection visits. Whenever an employee of such department shall visit any [multiple dwelling](#) for any purpose related to his official capacity, he shall sign his name to the certificate of inspection visits and opposite thereto set forth the date and purpose of his visit.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 10
PROSTITUTION

§351. Lien.

A [multiple dwelling](#) shall be subject to a penalty of one thousand dollars if it or any part of it shall be used as a house of prostitution or assignation with the permission of the [owner](#), and such penalty shall be a lien upon the [dwelling](#) and [lot](#) upon which it is situated.

§352. Recovery of [premises](#).

If a [multiple dwelling](#), or any part thereof, shall be used as a house of prostitution or assignation with the permission of the lessee or his agent, the lease shall be terminable at the election of the lessor, and the [owner](#) shall be entitled to recover possession of said [premises](#) by summary proceedings.

§353. Permission of [owner](#) or lessee.

A [multiple dwelling](#) shall be deemed to have been used for the purposes specified in the last two sections with the permission of the [owner](#), agent or lessee thereof in the following cases:

1. If summary proceedings for the removal of the tenants of such [dwelling](#) or of so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawful use has been served by the [department](#) in the manner prescribed by article nine of this chapter for the service of notices and orders; or having been commenced, are not in good faith diligently prosecuted to final determination.
2. If there be two or more convictions in such [dwelling](#) within a period of six months, under sections 230.00, 230.25, or 230.40 of the penal law.

§354. Rules of evidence.

In any action to establish a lien or in any action or proceeding for a fine, penalty or other punishment for a violation of any of the provisions of this, article, proof of the ill-repute or the ill-fame of the [premises](#) which are the subject-matter of the action or proceeding or of the inmates thereof, or of those resorting thereto, shall constitute presumptive evidence that such use was with the permission of the [owner](#), agent or lessee. The certificate of the [department](#) that the building was intended, arranged or designed to be [occupied](#) as a [dwelling](#) shall be presumptive evidence of the fact that it is so [occupied](#).

§355. Title of action or proceeding and parties.

Any action or proceeding referred to in this article shall be brought against the [premises](#) as defendant. Such [premises](#) may be described in the title of the action or proceeding by their street number or by any other method sufficiently precise to secure identification and shall be described in the complaint. The plaintiff, except as hereinafter provided, shall be the [department](#). In case the [department](#) shall not institute any action or proceeding within ten days after receiving a written request to do so from any taxpayer in the city, then such taxpayer may institute and maintain such action or proceeding against the [premises](#) in his own name, and the court may, in its discretion, require from him security for costs.

§356. Jurisdiction and procedure.

Any action or proceeding referred to in this article shall be brought in the supreme court, county court or other court of competent jurisdiction in the county in which the [premises](#) are situated. At or before the commencement of the action or proceeding the complaint shall be filed in the office of the clerk of the county, together with a notice of the pendency of the action or proceeding,

NEW YORK STATE
MULTIPLE DWELLING LAW

containing the names of the parties, the object of the action

NEW YORK STATE
MULTIPLE DWELLING LAW

or proceeding and a brief description of the [premises](#) affected thereby. Said notice shall be recorded immediately by the clerk. The [owner](#) or lessee, or both, of said [premises](#) may appear in such action or proceeding and answer or move with respect to the complaint, and the subsequent procedure shall be the same as in other actions or proceedings brought to establish a lien or encumbrance upon real property. Such action or proceeding shall be entitled to a preference in the trial or hearing thereof.

§357. Judgment.

The judgment in such action or proceeding, if in favor of the plaintiff, shall establish the penalty sued for as a lien upon such [premises](#), subject only to taxes, assessments, water rates, mortgages and mechanics' liens as may exist thereon prior to the filing of the notice of pendency of the action or proceeding.

§358. Sale of [premises](#).

At any time after the entry of any judgment establishing a lien upon such [premises](#) the [department](#), if there be no stay pending appeal, may apply to the court for leave to sell such [premises](#). Upon such application the court may order such [premises](#) sold at public auction, subject to taxes, assessments, water rates, mortgages and mechanics' liens. The deed to the purchaser shall be made by the [department](#). The justices of the appellate division of the supreme court of any judicial department may establish rules of practice which shall be followed by the [department](#) charged with the enforcement of this chapter in the conduct of such sales in such judicial department.

§359. Receivership.

Whenever the lien or liens established by judgment pursuant to this article shall amount to one thousand dollars or more, and there be no stay pending appeal, the [department](#) shall appoint a receiver of the rents and profits of such [premises](#). Such receiver shall give security for the performance of his duties in the manner and form fixed by the [department](#). He shall have the powers and duties of a receiver of rents and profits of real estate appointed by the supreme court; provided, that the corporation counsel shall act as his counsel and the receiver shall not be allowed any expenditure for counsel fees, and his commissions shall be ten per centum of his collections, which sum shall be full compensation for his services and those of any agent or agents whom he may employ. Such receivership shall continue until the amount of such liens with interest thereon at the rate of six per centum, and of the commissions, have been fully paid; provided, that nothing in this section shall be construed to prevent any prior lienor from applying to the court in a proper case for a receiver of the [premises](#).

§360. Cancellation of notice of pendency of action.

If an action or proceeding to establish a lien upon such [premises](#) terminates otherwise than in a judgment establishing such a lien, or if the judgment be fully paid, such notice of pendency of action or proceeding may be cancelled. Prior to the termination of such action or proceeding the notice may be cancelled by giving an undertaking.

NEW YORK STATE
MULTIPLE DWELLING LAW

ARTICLE 11

LAWS REPEALED; SAVING CLAUSES; EFFECT

§365. Laws repealed.

All statutes of the state and local laws, ordinances and regulations of cities to which this chapter is or hereafter becomes applicable, so far as inconsistent with the provisions of this chapter, are hereby repealed; provided that nothing in this chapter contained shall be construed as abridging the right of any city to adopt local laws, ordinances, resolutions or regulations not less restrictive than the provisions of this chapter.

§366. Saving clauses.

1. The repeal of any provisions of this chapter, or the repeal of any provisions of any statute of the state or local law, ordinance, resolution or regulation shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred or imposed prior to the time of such repeal, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent and in the same manner as if such provisions had not been repealed.
2. Any action or proceeding, civil or criminal, begun before April eighteenth, nineteen hundred twenty-nine, under or pursuant to or by virtue of any provision of the [tenement](#) house law which is superseded by this chapter as in this chapter provided, may be prosecuted, conducted and completed in the same manner as if such law were not so superseded but continued to be fully effective.
3. No action or proceeding, civil or criminal, pending at the time this chapter, as amended by the laws of nineteen hundred forty-six, takes effect, brought by or against a city or any agency or officer thereof, shall be affected or abated by the adoption of this chapter as so amended, or by anything therein contained, and all such actions and proceedings may be continued in full force and effect under the appropriate provisions of this chapter.
4. No existing right or remedy of any kind shall be lost or impaired by reason of the adoption of this chapter as so amended unless by specific provision of a law which does not amend all articles of this chapter.
5. Except as otherwise provided in subdivision six of [section three](#), the provisions of this chapter shall not operate to limit or decrease the power of any city to adopt local laws, ordinances, resolutions or regulations in relation to any matter in respect to which such power would otherwise exist.
6. The [tenement](#) house law shall, from and after the taking effect of this chapter, not apply to cities with a population of eight hundred thousand or more.

§367. Effect of invalidity in part.

If any term, part, provision, article, section, subdivision or paragraph of this chapter shall be held unconstitutional, or ineffective in whole or in part, then to the extent that it is not unconstitutional or ineffective, this chapter and such term, part, provision, article, section, subdivision or paragraph thereof shall be in full force and effect; and such determination shall not be deemed to invalidate the remaining terms, parts, provisions, articles, sections, subdivisions or paragraphs thereof.