



NYC EXISTING BUILDING CODE

Applying NYC's Existing Building Code to Multiple Dwellings

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MODULE H

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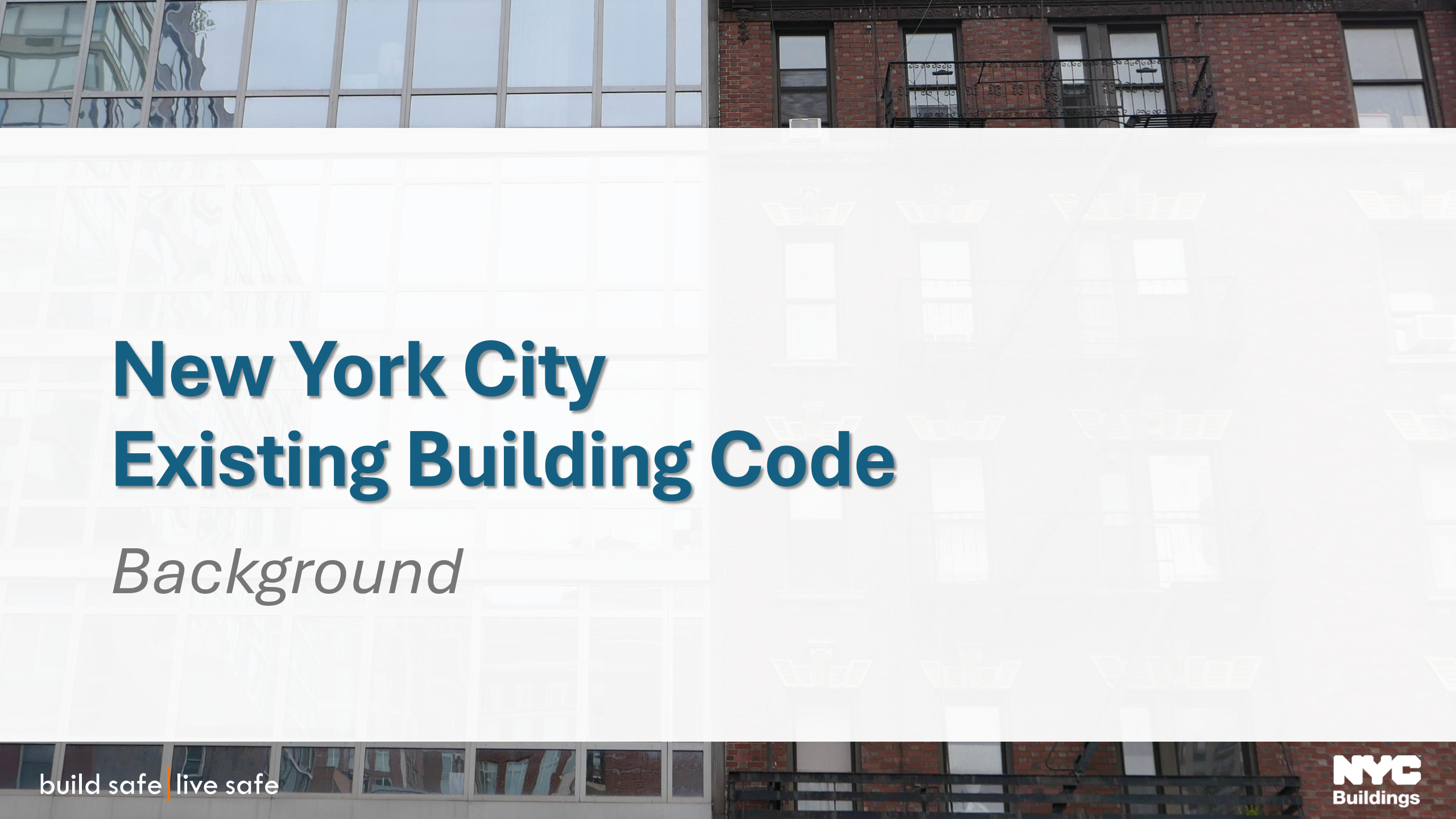
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New York City Existing Building Code

Background

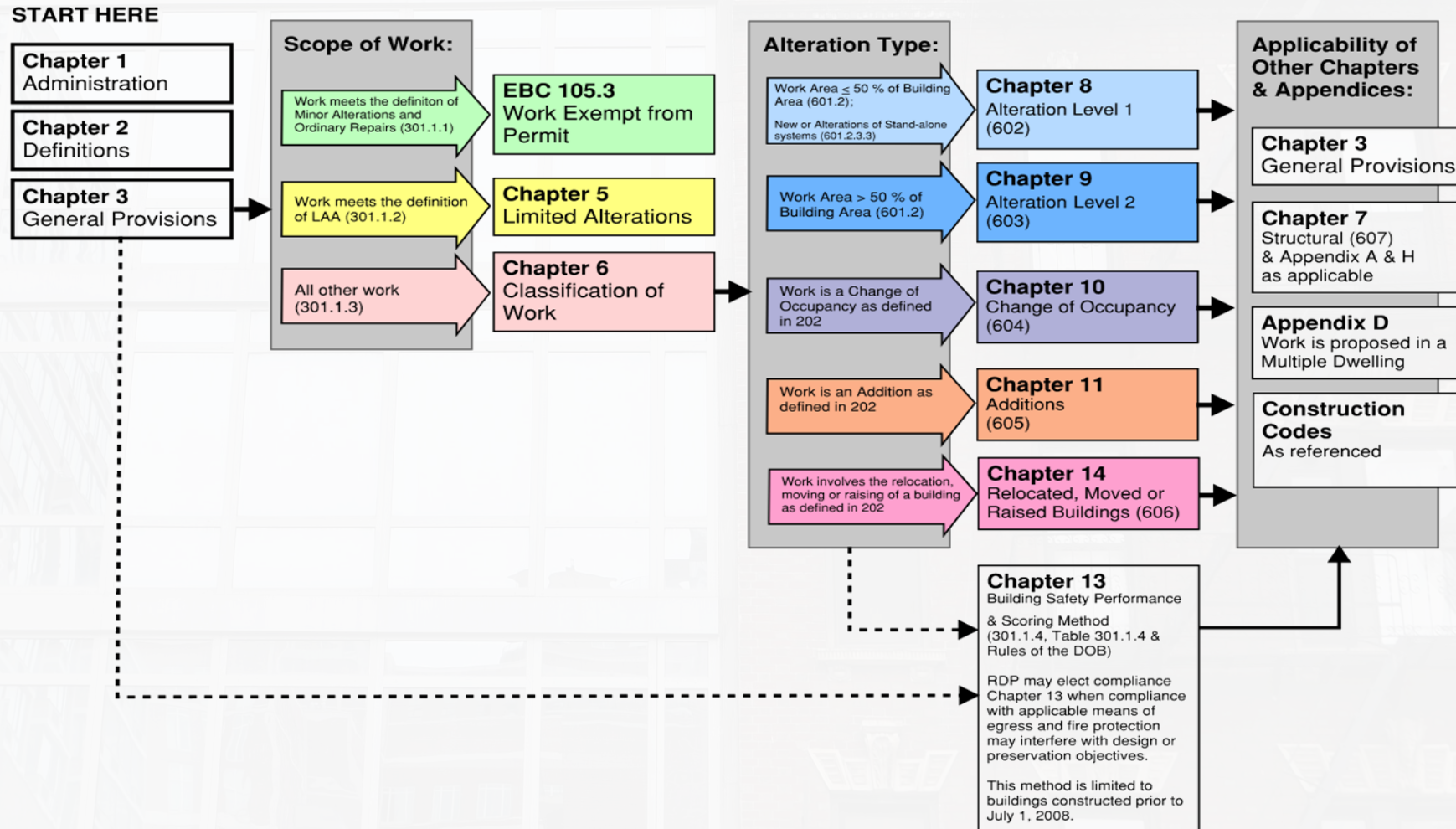
Origins of the EBC

- DOB has been working toward an Existing Building Code since the development of the 2008 Construction Codes.
 - Current regulatory scheme has numerous shortcomings:
 - Multiple layers of requirements (2022, 1968, 1938, memos, ppns, plus NYS MDL)
 - Current triggers for upgrades to existing buildings are not incremental
 - Some requirements commonly require submission and review of variance requests
 - In combination, these result in longer approval and permitting processes
- DOB's goals for the EBC include:
 - Simplifying the regulatory structure
 - Bridging the gap between current and past codes
 - Clearer direction for 80,000+ annually filed alteration applications
 - Utilize the International Existing Building Code
 - A new addition to the family of NYC Construction Codes, with revision cycles
 - Remove barriers to rehabilitation of existing buildings
 - Facilitating updates, while maintaining acceptable safety



EBC Applicability Map

EBC Applicability Map





EBC Appendix D

Multiple Dwellings

Table of Contents

Chapter D1	General
Chapter D2	Definitions
Chapter D3	General Provisions for all Multiple Dwellings (MDL Articles 2 & 3)
Chapter D4	Pre-1968 Hereafter Erected Fireproof Multiple Dwellings (MDL Article 4)
Chapter D5	Pre-1968 Hereafter Erected Non-fireproof Multiple Dwellings (MDL Article 5)
Chapter D6	Converted Dwellings (MDL Article 6)
Chapter D7	Tenements (MDL Article 7)
Chapter D8	RESERVED
Chapter D9	Lodging Houses (MDL 66)
Chapter D10	Heretofore Erected Existing Class A & Class B Multiple Dwellings & Certain Hereafter Erected Class B Multiple Dwellings (MDL 67)

Key Concepts

- Appendix D supplements the Existing Building Code (EBC) for alterations of existing multiple dwellings.
- Chapters are organized to be consistent with the NYS MDL's Articles.
- Appendix D maintains NYS MDL as the applicable law to multiple dwellings.
- Appendix D incorporates the most frequently used technical provisions of the MDL except for some permitted variations.
- Appendix D preserves the existing MDL classifications and adds new ones to reflect buildings constructed or converted after the 1968 and 2008 codes.
- Appendix D introduces new provisions beyond the MDL pursuant to Section MDL 3(11).
- Appendix D references MDL for converted buildings under Article 7B.

Appendix D vs. NYS MDL vs EBC Chapters

Appendix D Chapters		NYS MDL Articles/Sections	Applicability of other EBC Chapters
Chapter D1	General	Article 1	- Ch 1 in conjunction with the Administrative Code applies to all types of alterations and repairs of multiple dwellings in Groups I-1, R-1, and R-2. - Ch 2 Definitions for all other definitions not listed in Ch D2. - Ch 3 applies to all types of alterations - Alterations of these MDs will be classified in accordance with EBC Ch 6 and subject to: - Ch 8 for Level 1 Alteration, - Ch 9 for Level 2 Alteration, - Ch 10 for Change of Occupancy, - Ch 11 for Additions, and - Ch 14 for Relocated, Moved, or Raised Buildings. - Ch 13 for Building Safety Performance and Scoring Method, - Ch 15 for Additional Safeguards during Construction or Demolition for Buildings and Occupied Buildings.
Chapter D2	Definitions	MDL Section 4 Definitions	
Chapter D3	General Provisions for all Multiple Dwellings	Articles 2 and 3	
Chapter D4	Pre-1968 Hereafter Erected Fireproof Multiple Dwellings	Article 4	
Chapter D5	Pre-1968 Hereafter Erected Non-fireproof Multiple Dwellings	Article 5	
Chapter D6	Converted Dwellings	Article 6	
Chapter D7	Tenements	Article 7	
Chapter D8	Reserved	Article 7B is maintained in MDL.	
Chapter D9	Lodging Houses	MDL Section 66	
Chapter D10	Heretofore Erected Existing Class A & Class B Multiple Dwellings & certain Hereafter Erected Class B Multiple Dwellings	MDL Section 67	

Chapter D1 General

Section D101

- This Appendix supplements the EBC for alterations, additions, repair, change of occupancy and relocation, moving or raising of multiple dwellings.
- The construction provisions of this Appendix are intended to be at least as stringent as the construction provisions of the NYS MDL
- The provisions of this Appendix are not intended to restate other provisions of the MDL not related to construction provisions.

Section D102

- This appendix applies to all multiple dwellings whenever constructed or converted including those erected or converted after July 1, 2008.

Chapter D1 General

Section D103

- All multiple dwellings shall be classified in accordance with Table D103. See partial Table D103 below.

TABLE D103 - MULTIPLE DWELLING CLASSIFICATIONS

CLASS A	CLASS B	DESCRIPTION
OL		Old Law Tenement – Originally erected as a multiple dwelling in accordance with the laws in effect prior to April 12, 1901, and recorded as OL in the Tenement House Department (now Department of Housing Preservation and Development) before April 18, 1929.
OLSR		Old Law Tenement, Single Room Occupancy – Old law tenements that contain units converted to single room occupancy pursuant to MDL § 248. When a Class A tenement is converted to OLSR, it remains a Class A multiple dwelling.
COL		Converted Old Law – An OL not originally erected as a tenement but converted to OL and recorded as COL in the Department of Housing Preservation and Development.
NL		New Law Tenement – Originally erected as a multiple dwelling in accordance with the laws in effect after April 12, 1901, and prior to April 18, 1929, and recorded as NL in the Tenement House Department (now Department of Housing Preservation and Development) before April 18, 1929.
NLSR		New Law Tenement, Single Room Occupancy – New law tenements that contain units converted to single room occupancy pursuant to MDL § 248. When a Class A tenement is converted to NLSR, it remains a Class A multiple dwelling.

Chapter D1 General

Section D103

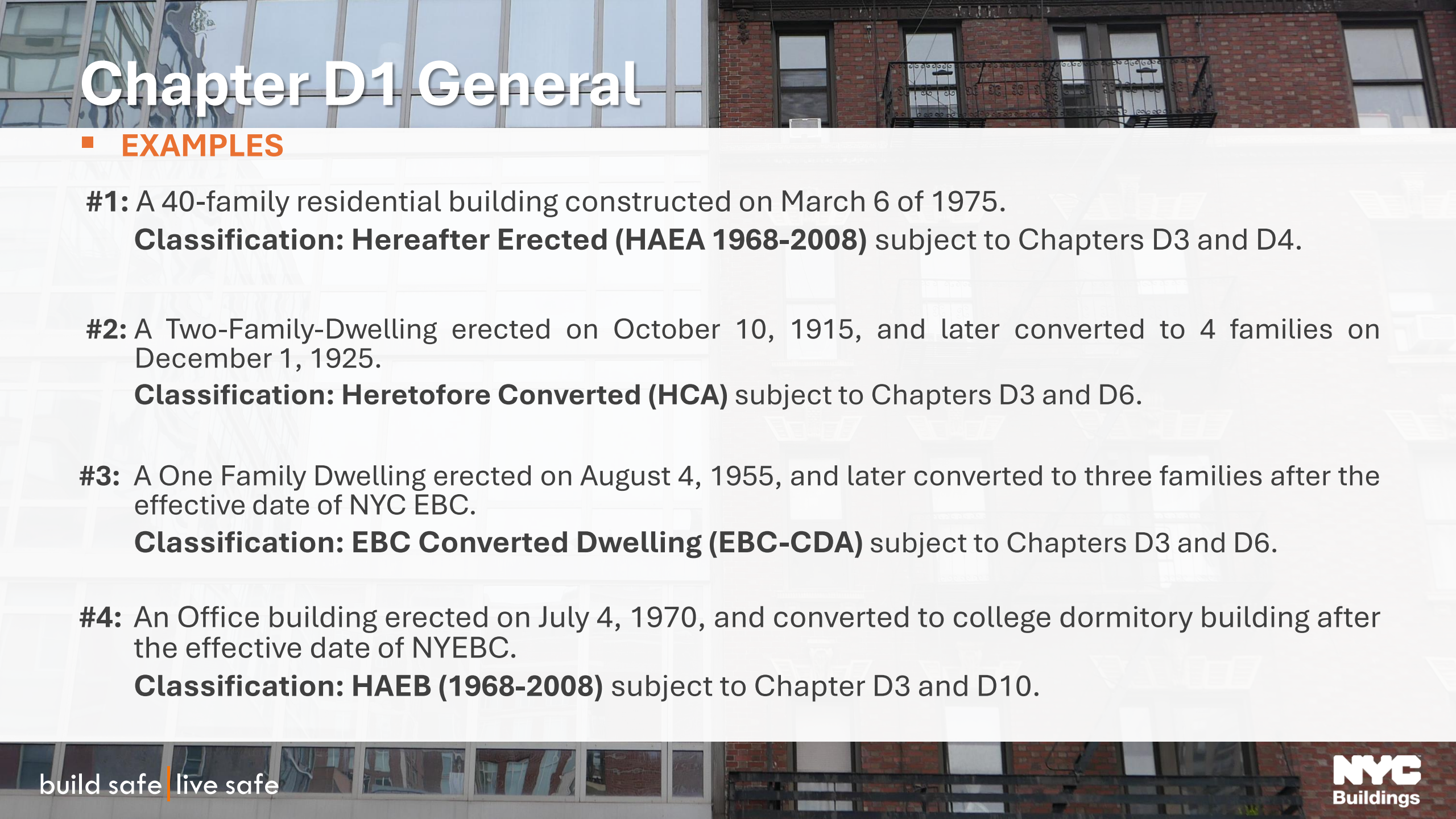
- Continued from Table D103 :Three classifications for Hereafter Erected:

HAEA	HAEB	Hereafter Erected – Originally erected or converted as a multiple dwelling in accordance with the laws in effect after January 1, 1929. This classification does not include converted dwellings or conversions subject to MDL Article 7-B. This classification falls into three subclasses:
		● HAEA/HAEB (1929-1968): Erected in accordance with the laws in effect before December 6, 1968 or converted prior to the effective date of the local law that added this section in accordance with the laws in effect before December 6, 1968. Such buildings were subject to MDL Article 3 and Articles 4 or 5 and the 1938 Building Code at the time of erection or conversion. ● HAEA/HAEB (1968-2008): Erected in accordance with the laws in effect on or after December 6, 1968, and before July 1, 2008 or converted prior to the effective date of the local law that added this section in accordance with the laws in effect on or after December 6, 1968, and before July 1, 2008. Such buildings were subject to MDL Article 3 and the 1968 Building Code at the time of erection or conversion. ● HAEA/HAEB (2008+): Erected or converted in accordance with the laws in effect on or after July 1, 2008. Such buildings are subject to MDL Article 3 and the New York City Construction Codes. This category includes conversions to multiple dwellings after the effective date of the local law that added this section subject to this code including Chapter D3, including where a multiple dwelling is altered or converted to another class or kind in accordance with Section D303.

Chapter D1 General

- Continued from Table D103: Two classifications for converted buildings subject to MDL Article 7B

CAA		Commercial Altered – Originally erected in accordance with the laws in effect prior to December 6, 1968, as A building, and used prior to January 1, 1977 for one or more of the nonresidential purposes enumerated in MDL § 277, and subsequently converted to a multiple dwelling in compliance with the 1938 Building Code and MDL Article 7-B.
JAR		Joint Artist In Residence – Containing DUs Dwelling units that are classified as a “joint living work quarters for artists” under Zoning Resolution § 12-10. These units are located in buildings converted pursuant to the 1938 Building Code and MDL Article 7-B.



Chapter D1 General

■ EXAMPLES

#1: A 40-family residential building constructed on March 6 of 1975.

Classification: Hereafter Erected (HAEA 1968-2008) subject to Chapters D3 and D4.

#2: A Two-Family-Dwelling erected on October 10, 1915, and later converted to 4 families on December 1, 1925.

Classification: Heretofore Converted (HCA) subject to Chapters D3 and D6.

#3: A One Family Dwelling erected on August 4, 1955, and later converted to three families after the effective date of NYC EBC.

Classification: EBC Converted Dwelling (EBC-CDA) subject to Chapters D3 and D6.

#4: An Office building erected on July 4, 1970, and converted to college dormitory building after the effective date of NYEBC.

Classification: HAEB (1968-2008) subject to Chapter D3 and D10.

Chapter D1 General

Section D104

- In addition to the provisions of Appendix D, EBC Chapters 1 through 15 apply to alterations, repairs, change of occupancy, additions, and relocation, moving or raising of existing multiple dwellings.
- Provisions of previous codes shall remain in effect as needed to establish existing lawful conditions. See Section 302.8.
- Appendix D supplements but does not supersede NYS MDL.

Chapter D1 General

Section D104.3.1: In compliance with MDL Section 3(11), a list of sections and articles are no longer applicable where compliance with EBC including Appendix D is achieved.

- D104.3.1.1 Existing conditions: these provisions remain applicable to establish lawful existing conditions.

Section D104.3.2: Maintains all other applicable MDL provisions (most restrictive from MDL and EBC apply).

1	Section 4(25)	definition of “fireproof multiple dwelling”	9	Section 37	“Artificial hall lighting	17	Section 67	“Hotels and certain other class A and class B buildings”
2	Section 4(27)	definition of “non-fireproof dwelling”	10	Section 50	“Entrance halls”	18	Section 75(1), (2), (4) & (5)	“Water supply”
3	Section 4(28)	definition of “frame dwelling”	11	Section 51	“Shafts, elevators and dumbwaiters”	19	Article 4, Sections 101 through 117	“Fireproof Multiple Dwellings”
4	Section 4(35)(c)	definition of “height” for certain fireproof multiple dwellings	12	Section 52	“Stairs”	20	Article 5	“Non-fireproof Multiple Dwellings”
5	Section 4(36)	definition of “story”	13	Section 53	“Fire-escapes”	21	Article 5-A	“Garden-type Maisonette Dwelling Projects”
6	Section 4(39)	definition of “section”	14	Section 55	“Wainscoting”	22	Article 6	“Converted Dwellings”
7	Section 28(3)	certain passageways	15	Section 60	“Motor vehicle storage”	23	Article 7-B	
8	Section 36	“Windows and skylights for public halls and stairs”	16	Section 61	“Business Uses”	24		

Chapter D1 General

Section D105

- Variations to this Appendix may be granted by the department pursuant to AC 28-103.3 and NYC Charter.
 - The commissioner shall not vary any provision that would result in its being less stringent than MDL.
- Variations may be made by BSA within its power granted by AC 28-101.3 and NYC Charter Section 666(7).

Chapter D2 Definitions

Some definitions that are carried over from MDL with no change, for example:

- **HOTEL (MDL 4(12)).** An inn having 30 or more sleeping rooms.
- **SECTION (MDL 4(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.
- **PUBLIC HALL (MDL 4(17)).** A hall, corridor or passageway within a building but outside of all apartments and suites of private rooms.
- **PUBLIC ROOM OR PART (MDL 4(17)).** A space used in common by the occupants of 2 or more apartments or rooms, or by persons who are not tenants, or exclusively for mechanical equipment of such dwelling or for storage purposes.
- **PUBLIC VESTIBULE (MDL 4(17)).** A corridor, not within an apartment or suite of private rooms, providing access to a stair or elevator and not wider than **7 feet (2134 mm)** nor longer than twice the width of the stair or elevator shafts opening upon it.

Chapter D2 Definitions

Other definitions that are carried over from MDL with revisions to add clarity or to be consistent with construction codes, for example:

- **APARTMENT.** See Chapter 2 of the *New York City Building Code*.
 - **BC 202: APARTMENT.** A dwelling unit providing permanent provisions for both sanitation and kitchen facilities, occupied or arranged to be occupied by not more than one family maintaining a common household.
 - **MDL (4(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.
- **DWELLING (MDL 4(4)).** See Chapter 2 of the New York City Building Code.
 - **BC 202: DWELLING.** A building or structure that is occupied in whole or in part as the home, residence or sleeping place of one or more families
 - **MDL 4(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.

Continue on next slide

Chapter D2 Definitions

- **FIREPROOF MULTIPLE DWELLING (MDL 4(25)).** A multiple dwelling 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 those set forth in Table D201(1).
 - **Footnote “a”:** For buildings constructed on or after December 6, 1968, fireproof building elements shall, at a minimum, meet the fire-resistive ratings required for those of Type IIA construction as provided for in Table 601 of the *New York City Building Code*.
 - **Footnote “b”:** Value shall be 1 hour for fireproof multiple dwellings 3 stories or less in height.

<u>TABLE D201(1) FIRE-RESISTIVE RATINGS OF</u> <u>FIREPROOF BUILDING ELEMENTS^a</u>		
<u>Incombustible material or assembly</u>	<u>Multiple dwelling more than one hundred feet in height</u>	<u>Multiple dwelling one hundred feet or less in height</u>
<u>fire walls</u>	<u>4 hours</u>	<u>4 hours</u>
<u>party walls</u>	<u>4 hours</u>	<u>4 hours</u>
<u>piers</u>	<u>4 hours</u>	<u>4 hours</u>
<u>columns</u>	<u>4 hours</u>	<u>4 hours (exterior)</u> <u>2 hours (interior)</u>

Partial Table
D201(1)

Alterations Of Multiple Dwellings Roadmap

START HERE

1. Identify Alteration type per Chapter 6
2. Identify MDL classification under D103

Alteration Type:

Work Area ≤ 50 % of Building Area (601.2);
New or Alterations of Stand-alone systems (601.2.3.3)

Work Area > 50 % of Building Area (601.2)

Work is a Change of Occupancy as defined in 202

Work is an Addition as defined in 202

Work involves the relocation, moving or raising of a building as defined in 202

Chapter 8
Alteration Level 1 (602)

Chapter 9
Alteration Level 2 (603)

Chapter 10
Change of Occupancy (604)

Chapter 11
Additions (605)

Chapter 14
Relocated, Moved or Raised Buildings (606)

Chapter 13
Building Safety Performance & Scoring Method (301.1.4, Table 301.1.4 & Rules of the DOB)

RDP may elect compliance Chapter 13 when compliance with applicable means of egress and fire protection may interfere with design or preservation objectives.

This method is limited to buildings constructed prior to July 1, 2008.

Applicability of Other Chapters & Appendices:

Chapter 3
General Provisions

Chapter 7
Structural (607) & Appendix A & H as applicable

Appendix D
Work is proposed in a Multiple Dwelling

Construction Codes
As referenced

Based on MDL classification, comply with applicable Appendix D Chapters

Table D301 MDL Classification:	Chapter D3	Chapter D4	Chapter D5	Chapter D6	Chapter D7	Chapter D9	Chapter D10	EBC
Preproof HABA (1929-1946) HABR (1949-1946)	X	X						Other EBC Chapters are applicable based on type of Alteration
Non Preproof HABA (1929-1946) HABR (1949-1946)	X		X					
HABA (1949-2006) HABR (1949-2006)	X							
HABA (2006-) HABR (2006-)	X							
HCA, HCB, HCC, HCD, HCE, HCF, HCG, HCH, HCI, HCL, HCN, HCO, HCP, HCR, HCS, HCT, HCU, HCV, HCH, HCI, HCL, HCN, HCO, HCP, HCR, HCS, HCT, HCU, HCV	X			X				
EBC CDA	X			X				
CL, CLSR, COL, NL, NLGR, CNL	X				X			
CAK, JAK	X							
LR	X					X		
HABA, HEBR, HABR (1929-1946)	X						X	

Appendix D Applicability Matrix

Once the MDL classification is determined, the following table specifies the chapters within Appendix D that apply for that MDL classification.

Table D301 MDL Classification:	Chapter D3	Chapter D4	Chapter D5	Chapter D6	Chapter D7	Chapter D9	Chapter D10	EBC
Fireproof HAEA (1929-1968) HAEB (1929-1968)	X	X						Other EBC Chapters are applicable based on type of Alteration
Non Fireproof HAEA (1929-1968) HAEB (1929-1968)	X		X					
HAEA (1968-2008) HAEA (1968-2008)	X							
HAEA (2008+) HAEB (2008+)	X							
HCA, HCB HACA, HACB	X			X				
EBC-CDA	X			X				
OL, OLSR, COL NL, NLSR, CNL	X				X			
CAA, JAR	X	MDL Article 7B						
LH	X					X		
HEXA, HEXB HAEB (1929-1968)	X						X	

Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

Section 301 Applicability. Alterations, additions, repairs, change of occupancy and relocation, moving or raising of all existing multiple dwellings, whenever erected or converted, shall comply with the provisions of this code and any applicable provisions of this Chapter D3.

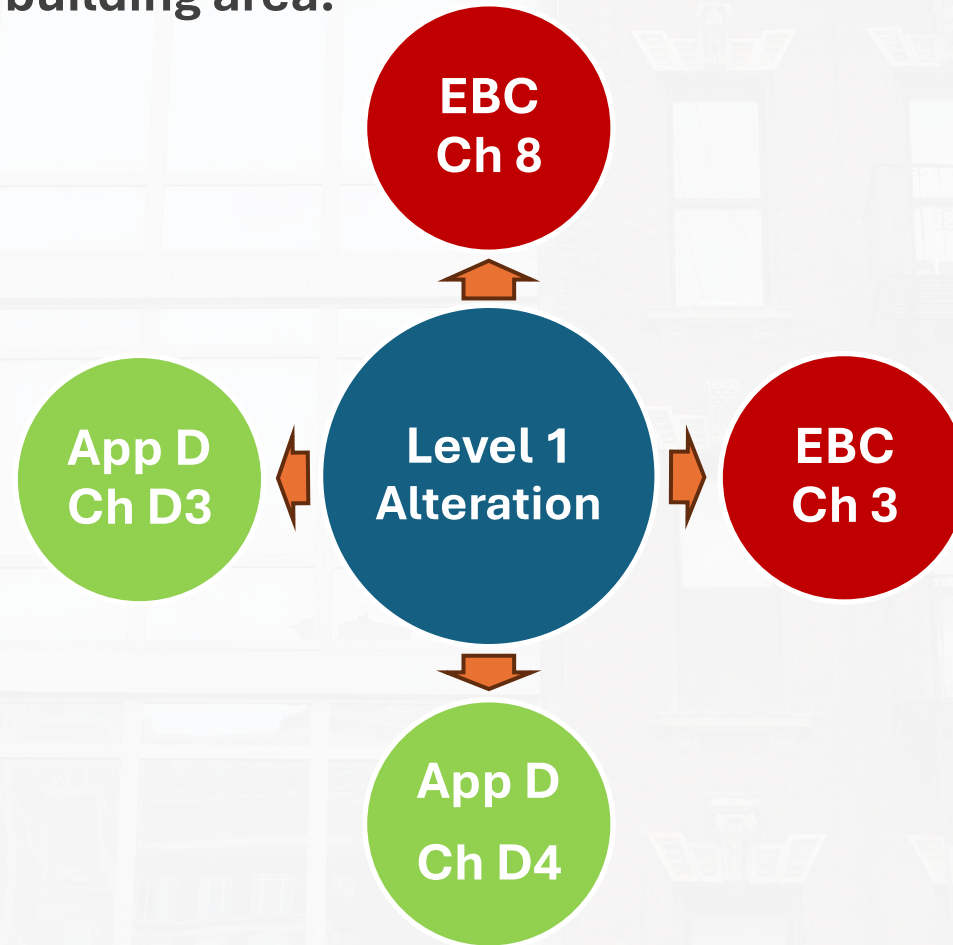
**TABLE D301
APPLICABILITY BY CLASSIFICATION**

CLASSIFICATION:	CHAPTER OF THIS APPENDIX:
HAEA (1929-1968), HAEB (1929-1968) – Fireproof	Chapters D3, D4
HAEA (1929-1968), HAEB (1929-1968) – Nonfireproof	Chapters D3, D5
HAEA (1968-2008), HAEB (1968-2008)	Chapter D3
HAEA (2008+), HAEB (2008+)	Chapter D3
HCA, HCB, HACA, HACB	Chapters D3, D6
EBC-CDA	Chapters D3, D6
OL, OLSR, COL, NL, NLSR, CNL	Chapters D3, D7
CAA, JAR	Chapter D3
LH	Chapters D3, D9
HEXA, HEXB, HAEB (1929-1968)	Chapters D3, D10

Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

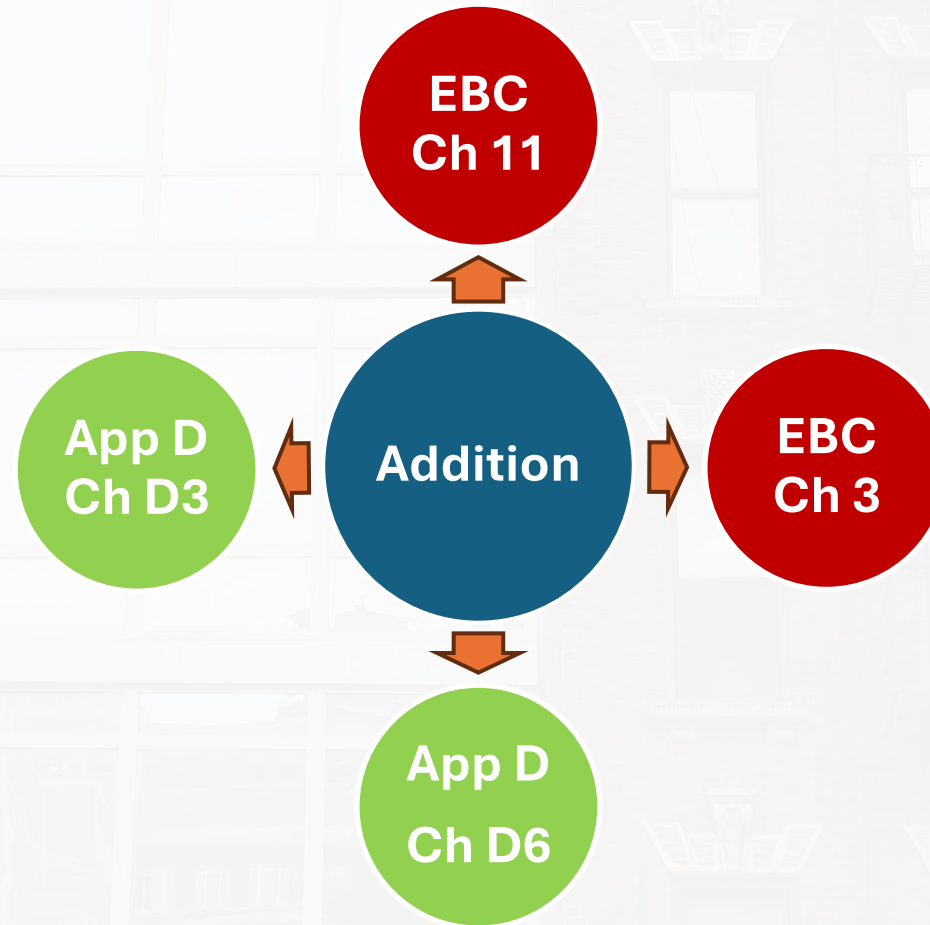
Example 1: Combining two apartments in an existing fireproof hereafter erected (HAEA). Work area is less than 50% of building area.



Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

Example 2: Adding a 5th floor to an existing 4 story converted dwelling (HCA).

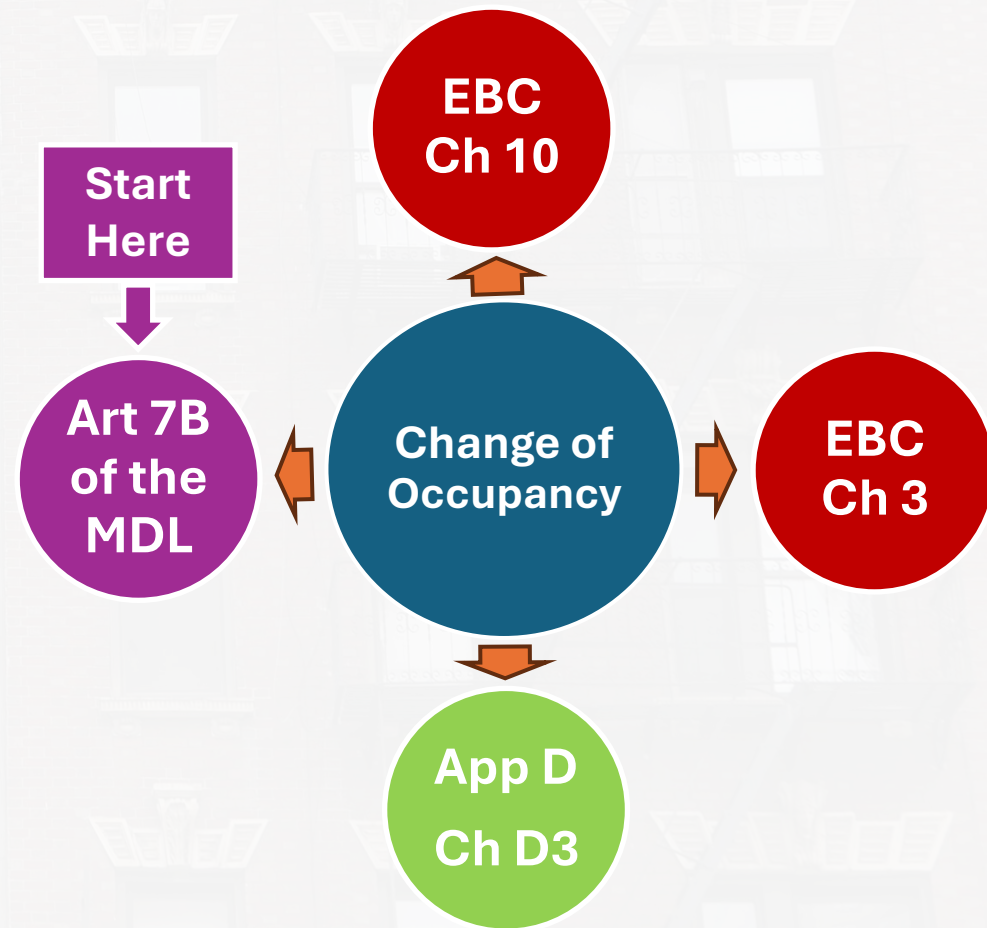


Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

Example 3: Converting an existing 9 story loft building with a certificate of occupancy dated 1956 to a Class A multiple dwelling.

MDL 277. 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 quarters for artists or general residential purposes if such occupancy is in compliance with this article.**



Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

Section D302 Conversions to a multiple dwelling. Conversions to multiple dwellings shall be classified as HAEA (2008+) or HAEB (2008+). Except:

1. Conversions subject to MDL Article 7B (CAA, JAR)
2. Reconversion to OLT or NLT.

D302.1 Comply with applicable EBC Chapters (Ch 8 for Level 1, Ch 9 for Level 2, etc.) and D3.

D302.2 Comply with NYC Zoning Resolution for height, bulk, open spaces and Section MDL 26(3) for maximum floor area.

Section D303 Changes from one class or kind. Changes to another class or kind shall be subject to requirements for HAEA (2008+) and HAEB (2008+).

- **Five exceptions for:**
 - Conversions from 1-2 families to converted dwellings
 - Class B converted dwelling to Class A
 - Change from tenements to SRO
 - Reconversions to tenements
 - Change from HEXB to HEXA.

Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

Section D304 Dwellings damaged or moved. This section addresses Sections MDL 11(1), 11(2), and 11(3) for:

- The reconstruction of damaged dwelling by two thirds or more
- Non-fireproof stair damaged by fire or other cause
- The moving or relocation of multiple dwellings.

App D Provisions	Comparable EBC Provisions
D304.1 Dwelling damaged by fire or other causes (by two thirds or more)	EBC Ch 9 for > 110% increase in surface area and Level 2 Alteration where work area is more than 50% or 75% of building area.
D304.2 Non-fireproof stair damaged by fire or other cause	EBC 905.2
D304.3 Dwelling moved	EBC Ch 14

Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

Section D305 Light and Air:

- **D305.1 Commercial courts.** Section addresses MDL 26(7) for courts used for ventilation in buildings that are considered by zoning to be commercial like transient hotels.
 - **D305.1.1 Commercial inner courts.** Requirements are consistent with MDL 26(7)(a).
 - **D305.1.2 Commercial outer courts.** Requirements are consistent with MDL 26(7)(a).
- **D305.2 Conversions and changes of class or kind.** Requires compliance with BC Chapter 12.
- **D305.4 Rooms in basements and cellars.** Addresses requirements for existing rooms and new rooms
- **D305.5 to D305.9.** Sections address: Entrance doors, windows in public hall, skylights in stairs, multiple buildings on one tax lot, minimum cubic feet of air for each adult and child.

Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

Section D306 Fire protection and safety.

- **D306.1 Elevators.** The installation of a new elevator may not be required if:
 1. The building was constructed prior to December 6, 1968;
 2. The building does not have an elevator on the date of the application;
 3. The building is or is being converted to a Class A multiple dwelling; and
 4. The building will be 6 stories or less in height upon completion of the alteration.

Exceptions:

1. A new elevator is required to provide accessibility,
 2. The alteration results in an increase in the floor surface area by more than **110%**
 3. The damaged dwelling is required to be repaired or rebuilt in accordance with Section D304.1.
- **D306.1.1 Penthouses.** A penthouse of multistory dwelling unit meeting the requirements of BC 504.3 shall not be considered a story.
 - **D306.1.2 New Conversions and changes of class or kind.** Elevators may be required unless exempt in accordance with D306.1.

Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

Section D306 Fire protection and safety.

- **D306.2 Interior cellar and basement stairs.** Cellar and basement stairs shall be enclosed at top and bottom by 2-hour fire rated construction with exceptions for:
 1. HAEA and HAEB (1929-168) complying with D503
 2. OL and NL complying with D703.13 and D703.14
 3. No enclosures required for fully sprinklered buildings with hard-wired smoke and CO detectors where fire area containing such stair is separated from all other stair enclosures with 2 hrs. fire barriers.
- **D306.3 Fire escapes.** Existing Class A multiple dwellings erected prior to December 6, 1968, that are not more than 6 stories and 75 feet in height, are permitted to use fire escapes as a second means of egress.
 - **Sections D306.3.1 through D306.3.13** detail the requirements for the lawful use of fire escapes, such as: Access from dwelling units, Location, projection, Construction, Drop ladders, Roof access, Painting, removal, access to street, and rules.

Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

■ Section D306.4 Existing cellar entrances.

Existing direct access to cellars from the street of multiple dwellings shall not be obstructed or diminished.

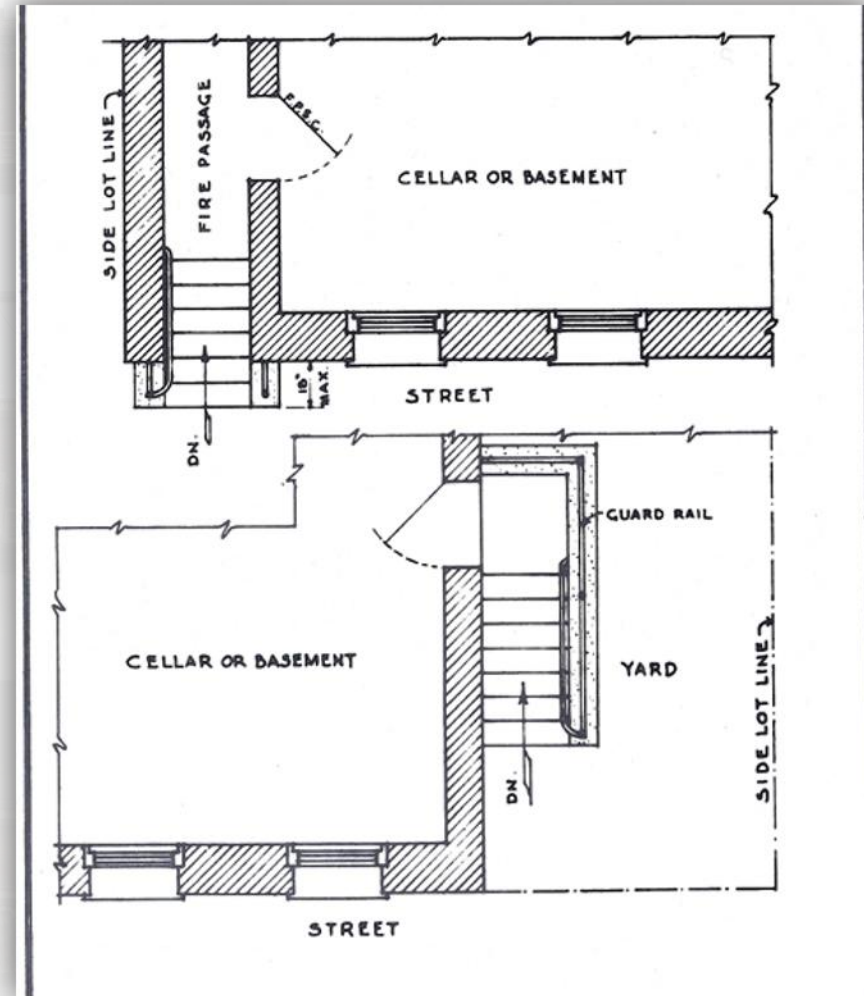


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Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

- **D306.5 Frame buildings and extensions.** No frame multiple dwelling shall be erected, increased in height, altered to permit greater occupancy. No multiple dwelling shall be erected on a lot with frame buildings, and no frame building shall be converted to multiple dwellings.
- **D306.6 Business use.** Sections D306.6.1 through D306.6.5 address the requirements where a business use is in a multiple dwelling. Such provisions are intended to protect the dwelling units from fire risks that may be caused by the business.

Separation of
business use and
rear extension

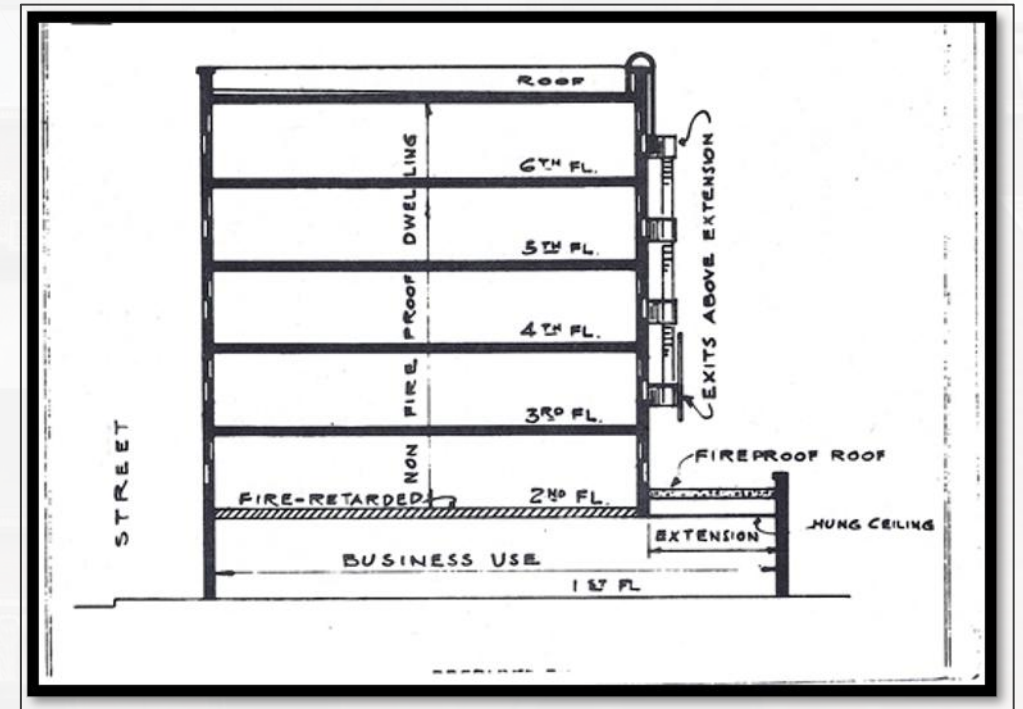


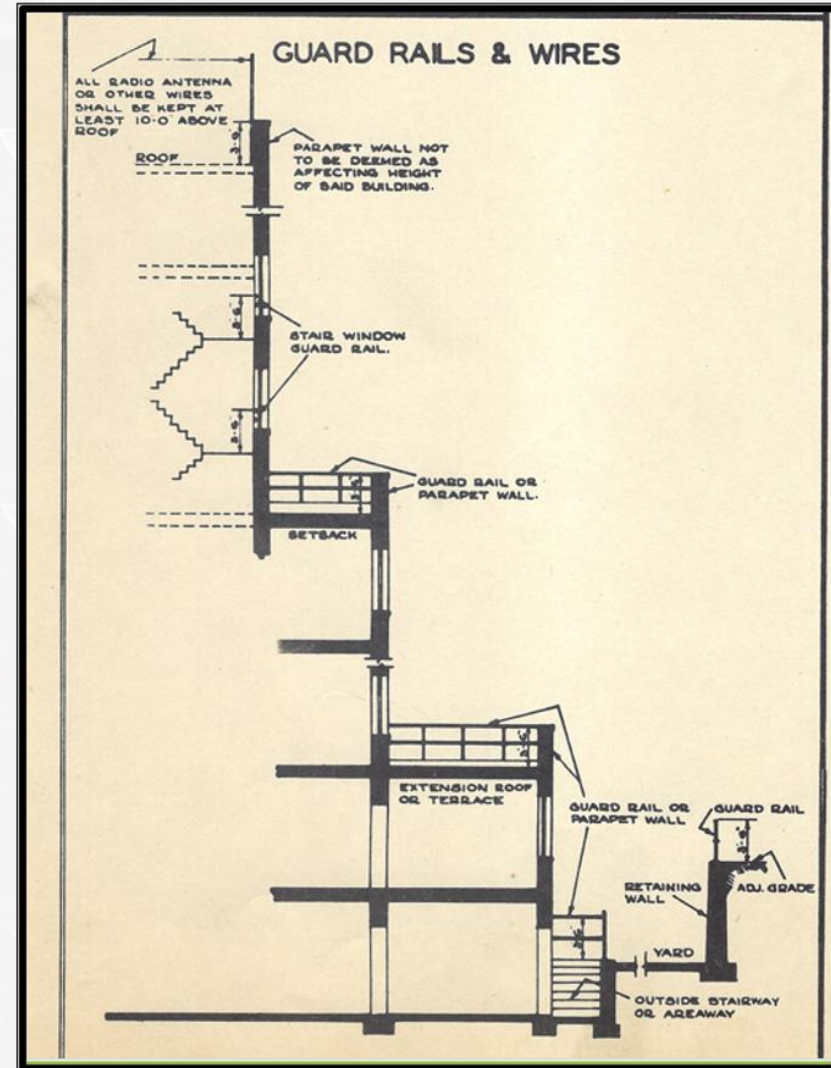
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Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

- **D306.7 Parapets, guard railings and wires.** Sections D306.7.1 and D306.7.2 require parapets and guards to be maintained and not reduced to less than the building code requirements. Any sort of wires and conduits shall not be attached to fire escapes, or soil and vent lines extending above the roof.

*Image courtesy of Institute of Design and Construction (IDC) training book on MDL.
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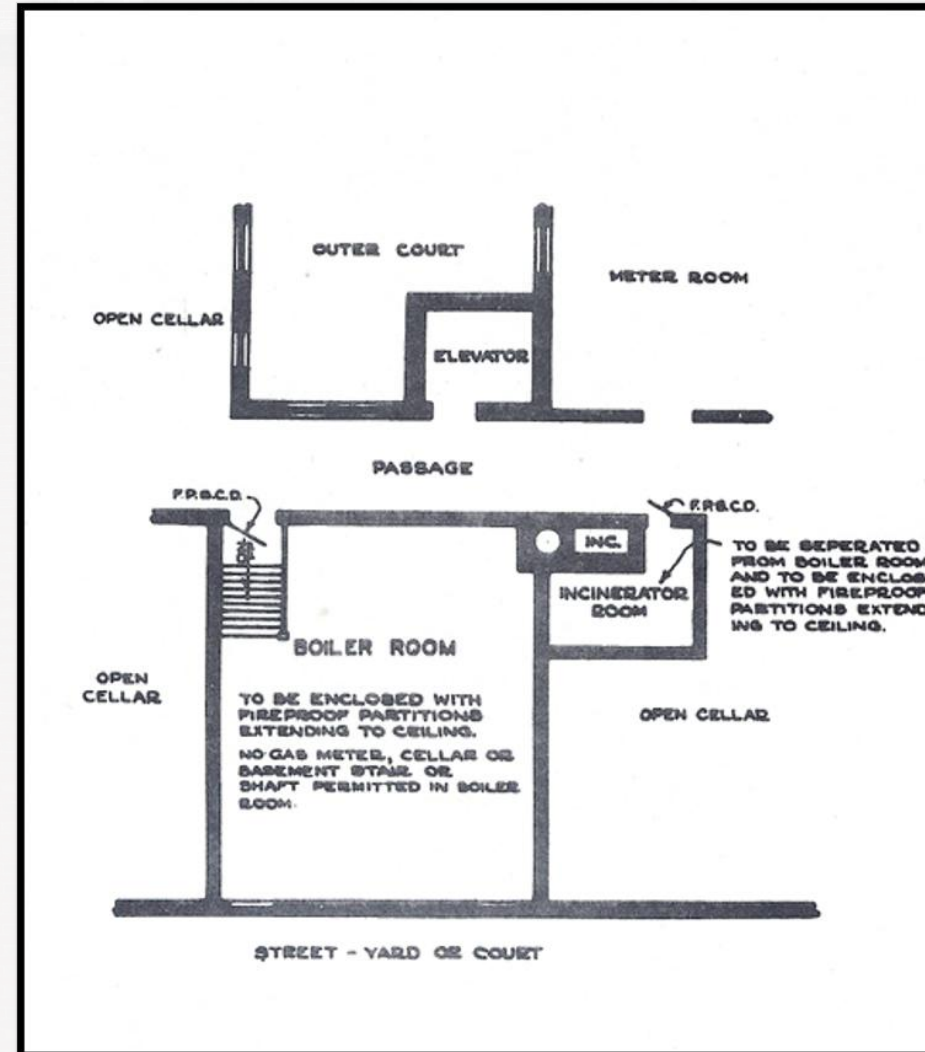


Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

- **D306.8 Boiler rooms.** Section addresses the requirements of MDL 65 and require boiler rooms to be enclosed in no less than 2 hr. rated walls, no shafts or stairs connecting with upper floors to be constructed within boiler rooms, and no access to other parts of the cellar through the boiler room.

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Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

- **D306.9 Access to the rear yard of multiple dwellings.** Existing access from the yard to the street shall be maintained. Conversions to MD or change in class or kind shall require such connection.
- **D306.10 Extension roofs.** Extension roofs used for exiting shall be fireproofed.
- **D306.11 Fire divisions.** Existing MDs shall maintain a fire area of **not more than 3,000ft²** between fire walls. Fully sprinklered buildings in compliance with BC Ch 5 shall be considered compliant.
- **D306.12 Bearing of joists.** Floor and roof joists shall be supported as required by EBC 803.11.
- **D306.13 Fire barriers, horizontal assemblies and fire retarding.** Altered assemblies shall comply with BC Ch 7 including Rating, Access, and Continuity.
- **D306.14 Conversions and changes of class or kind.** Conversions and changes in class or kind shall meet applicable conditions related to: height and area, fire protection systems, means of egress, fire escapes, and windows opening on lot line air shafts.

Chapter D3

General Provisions For All Multiple Dwellings (MDL Articles 2 & 3)

Section D307 Sanitation and Health

- **D307.1 Water closet and bath accommodations.** The section prohibits opening of toilet rooms and bathrooms into kitchens or kitchenettes. It also prohibits the installation of water closets in a cellar or a basement unless provided as a lawful living room.
- **D307.2 Refuse chutes for prior code buildings.** No refuse chute is required for prior code buildings that are 6 stories or less with no existing chute, contains a refuse storage space, provided with a compactor if the building contains 12 DUs or more.
- **D307.3 Privacy.** There shall be access to every living room and bedroom without passing through any bedroom in DUs with 3 or more living rooms.

Chapter D4

Pre-1968 Hereafter Erected Fireproof Multiple Dwellings (MDL Article 4)

Section D401 Applicability. Alterations, additions, repairs, change of occupancy and relocation, moving or raising of all existing multiple dwellings, whenever erected or converted, shall comply with the provisions of this code and any applicable provisions of this Chapter D3.

Example: An existing 11 story fireproof HAEA (1929-1968) building is being altered to combine two apartments at the 7th floor. The work area is **less than 50%** of the building area.

Applicable chapters:

- EBC Ch 8 for Alteration Level 1
- EBC Ch 3 for General requirements
- Appendix D, Ch D3 and Ch D4

Section D402 Rooms in Basements and Cellars. New and existing rooms shall comply with D305.4.1. However, Sections D305.4.1 or MDL 34(1) to 34(4) may be used to establish the lawful conditions of existing rooms in cellars or basements.

Chapter D5

Pre-1968 Hereafter Erected Non-Fireproof Multiple Dwellings (MDL Article 5)

Section D501 Applicability. In addition to Chapter D3, alteration, repair, change of occupancy of existing non-fireproof HAEA (1929-1968) and HAEB (1929-1968), shall comply with Chapter D5 and this code.

Section D502 Maximum height. Height is limited to **75 feet** or **6 stories**.

Exception: height may be increased if the building complies with the following 4 conditions:

1. BC Ch 5 for height and area limitations,
2. BC Ch 9 as if hereafter erected,
3. Section D306.1 for elevator requirements, and
4. Fire escape is not used as a second means of egress unless the addition is limited to a penthouse compliant with BC 504.3.

Section D503 Fireproof first floor. Existing fireproof first floor shall be maintained and shall not be penetrated. 6 exceptions are provided to allow for certain penetrations such as: fire-stopped penetrations, enclosed elevator and refuse chute shafts, enclosed stairs, etc.

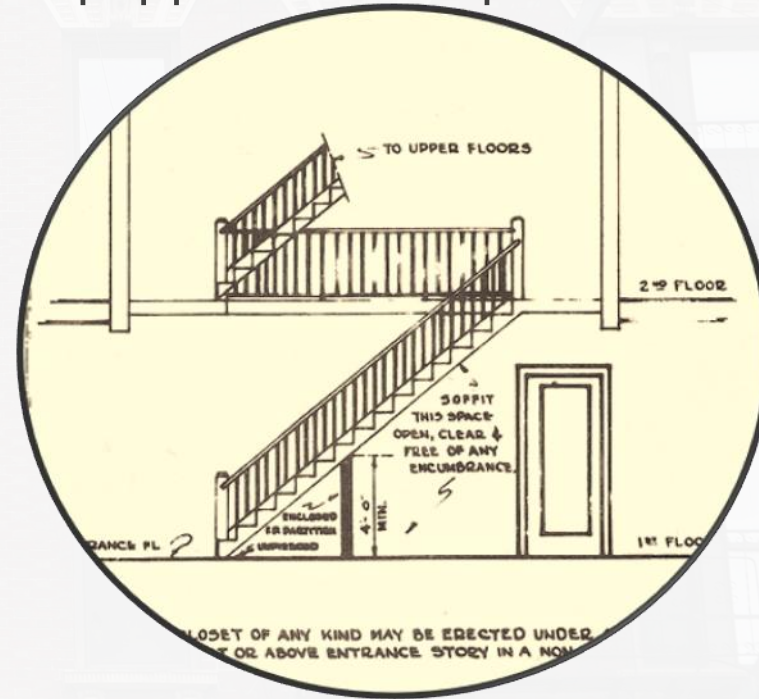
Chapter D5

Pre-1968 Hereafter Erected Non-Fireproof Multiple Dwellings (MDL Article 5)

Section D504 Fireproof stair enclosures. All required stairs shall be separated from other stairs and enclosed with fireproof construction equipped with fireproof self closing doors.

Section D505 Spaces under stairs.

No closet shall be allowed under public halls. Any open space under the stair shall be enclosed in at least 1 hr. rated fire barrier.



Section D506 Rooms in basements and cellars. New and existing rooms shall comply with D305.4.1. However, Sections D305.4.1 or MDL 34(1) to 34(4) may be used to establish the lawful conditions of existing rooms in cellars or basements.

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Chapter D6

Converted Dwellings (MDL Article 6)

Section D601 Applicability. This chapter applies to repairs, alterations, additions, and change of occupancy.

MDL Classification		Description	Applicable Provisions
HCA	HCB	Heretofore Converted – Originally erected as a 1- or 2-family dwelling, and converted prior to April 18, 1929, to a multiple dwelling.	Chapters D3, D6, and applicable EBC Chapters based on type of alteration.
HACA	HACB	Hereafter Converted – Originally erected as a 1- or 2-family dwelling in accordance with the laws in effect prior to December 6, 1968, and converted after April 18, 1929, and before the effective date of the local law that added this section to a multiple dwelling in accordance with such laws.	
EBC-CDA		EBC Converted Dwelling – Originally erected as a 1- or 2-family dwelling in accordance with the laws in effect prior to December 6, 1968, and converted on or after the effective date of the local law that added this section to a multiple dwelling in accordance with Chapters D3 and D6 of the New York City Existing Building Code.	

Chapter D6

Converted Dwellings (MDL Article 6)

- **D601.1 Dwellings erected after December 6, 1968.** Converted buildings shall be classified as HAEA (1968-2008) or HAEA (2008+) and Chapter D6 does not apply.
For example, an existing one-family dwelling erected in 1980 is being converted to 4 Class A DUs shall be classified as HAEA (1968-2008), subject to Chapters D3 and D4, and Ch 6 shall not apply.
- **D601.2 Conversion to HAEA.** Chapter D6 shall not apply to HCA, HCB, HACA, or HACB being converted to HAEA.

Section D602 Alterations to existing converted dwellings. This section sets out the requirements for:

- **D602.1 Increase in units / additions.** No increase in number of units, height, rooftop additions, number of stories, or horizontal additions **more than 25%**, unless the building meets 11 conditions upgrading fire protection systems and means of egress.

Exceptions:

- a) Penthouse additions
- b) One-story horizontal additions
- c) Increase in number of units by **50% or less**

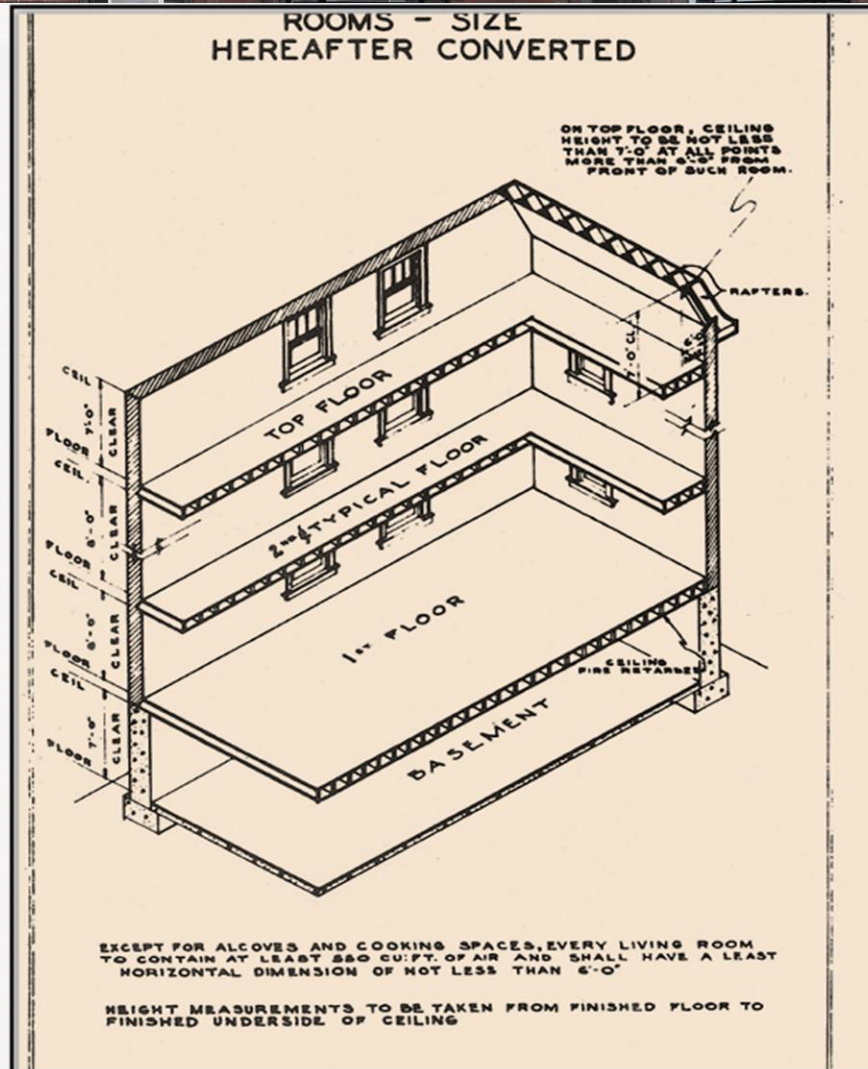
Chapter D6

Converted Dwellings (MDL Article 6)

D602.2 Living room size.

Dimensions of living rooms shall be governed by this section for HCA or HACA that was originally erected as a 1 or 2 family dwellings on or before April 1, 1929. This section allows a living room to be of **6 ft. min width and 7 ft min height.**

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Chapter D6

Converted Dwellings (MDL Article 6)

- **D602.3 Natural light and ventilation.** Alcoves and top story rooms in HCA or HACA that was erected originally as 1 or 2 family dwelling on or before April 1, 1929, shall be lighted and ventilated in accordance with this section.
- **D602.4 Means of Egress.** Existing means of egress may be retained. Relocation of existing single stairs will require the availability of two means of egress from each dwelling unit.

Section D603 Conversion to 3 families; no more than 3 stories. Converted dwellings classified as EBC-CDA (1, 2 families erected before Dec. 6, 1968), not more than 3 stories with no more than 3 families shall comply with the requirements of this section including sections D603.1 through D306.15.

- **Sections D603.1 through D603.15** address the requirements for: Frame buildings, Treads and risers, Public hall, Entrance hall, Scuttle, Roof access, Business purposes, Boarders, roomers, lodgers, dwelling unit doors, Fire rating of public hall, fire rating of ceilings, Separation of dwelling units, Cellar entrance, and Sprinklers.

Chapter D6

Converted Dwellings (MDL Article 6)

Section D604 Conversion to more than 3 families and/or more than 3 stories.

Converted dwellings classified as EBC-CDA (1, 2 families erected before April 1, 1929) with more than 3 families and/or more than 3 stories, shall comply with this section including sections D604.1 through D604.14.

- **Sections D604.1 through D604.14** address the requirements for such conversion for:
 - Frame buildings shall not be allowed
 - Height and area shall comply with BC Ch 5
 - Sprinkler, fire alarm and detection systems shall be installed per BC Ch 9.
 - Two means of egress required from every dwelling unit
 - Doors to dwelling units shall be fire rated and self closing
 - Public hall, stair partitions, and ceilings shall be at least 1 hour fire rated.
 - Dwelling units shall be separated by 1 hr. fire rated assembly
 - Living rooms shall have a 6 ft min width and 7 ft min height.
 - Alcoves and top story rooms shall be lighted and ventilated
 - Cellar entrance from the outdoors shall be provided
 - Elevators shall be provided per D306.1

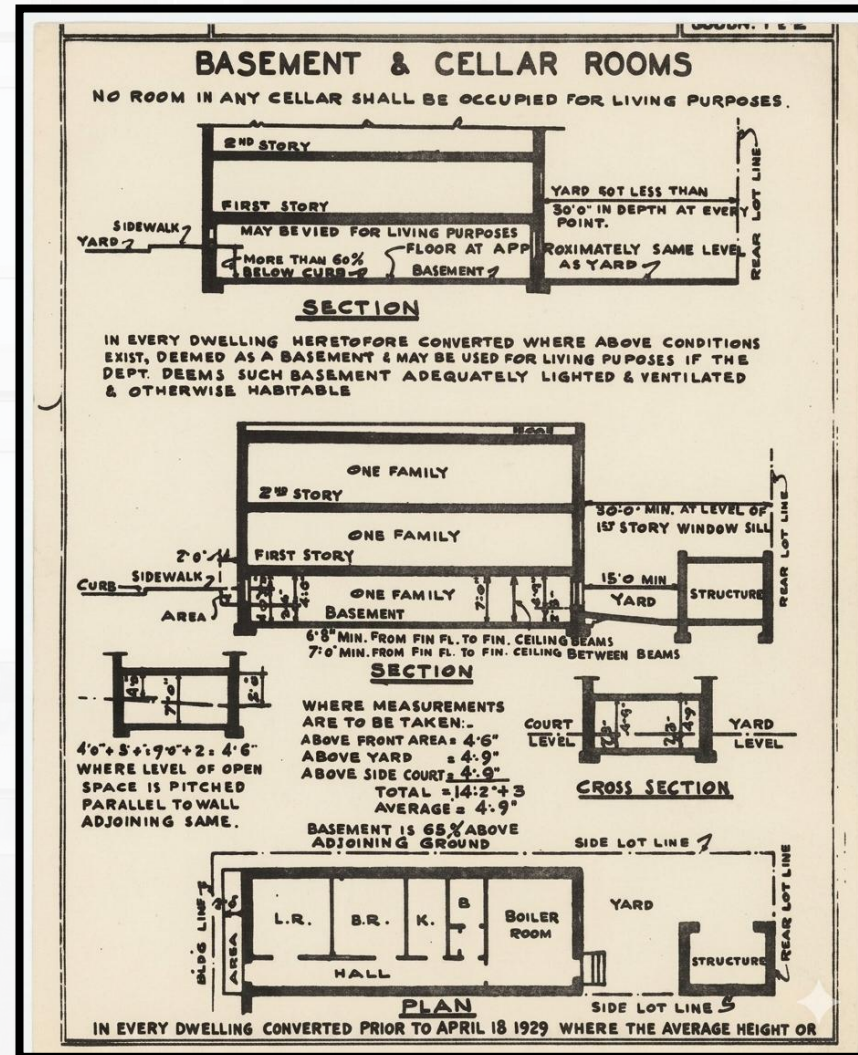
Chapter D6

Converted Dwellings (MDL Article 6)

Section D605 Rooms in basements and cellars.

New rooms to be created in basements and cellars shall comply with Section D305.4.1. However, Sections D305.4.1 or MDL 34(1) to 34(4) may be used to establish the lawful conditions of existing rooms in cellars or basements.

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Chapter D6

Converted Dwellings (MDL Article 6)

Example:

It is proposed to convert an existing building 4 stories and a cellar, occupied as 2 family dwelling to 4 families after the effective date of the EBC.

- ✓ Date of construction of the 2-family dwelling: 1925
- ✓ Existing construction class: Non-fireproof (III-B)
- ✓ Existing means of egress: one interior stair
- ✓ No sprinkler protection
- ✓ No elevator

EBC Considerations:

- MD classification of the proposed converted dwelling: EBC-CDA as per Section D103.
- Applicable EBC Chapters: **Ch 3, Ch 10, and Appendix D**
- Applicable Appendix D Chapters: **D3 and D6**

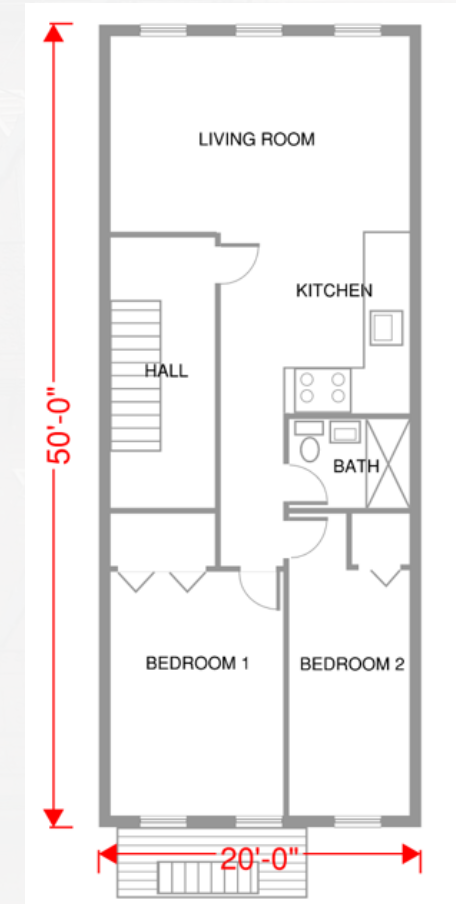
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Chapter D6

Converted Dwellings (MDL Article 6)

Major compliance provisions (D3, D6, EBC Ch 3 & Ch 10) include but are not limited to:

- Fire alarm system per D604.3 and EBC 1004.
- Carbon monoxide and smoke alarms per D604.4 and EBC 1004.
- Two means of egress per D604.5
- Existing stair width shall be 36 inches.
- 1 hour fire rated public hall and stair partitions and stair soffit to be fire retarded.
- A second means of egress consisting of a fire escape at the front of the building per D604.5.2 constructed in accordance with Section D306.3.
- Cellar entrance from outside the dwelling per D604.13.
- Sprinklers throughout the building per D604.14 and EBC 1004.
- Emergency escape and rescue openings per EBC 1005.2.1 and BC 1030.
- Accessibility per EBC 1006.
- Building systems to comply with EBC Sections 1008, 1009, 1010.
- Energy Conservation EBC 1011.



Typical Floor

Chapter D7

Tenements (MDL Article 7)

Key Concepts:

- ❑ In accordance with MDL Section 3(11), MDL Article 7 remains applicable to existing Old Law and New Law Tenements except for provisions not covered by the applicable requirements of the MDL.
- ❑ EBC Chapter D7 carries all the applicable construction requirements of MDL Article 7 to existing multiple dwellings classified as OLT and NLT.
- ❑ The department (DOB) has no authority to vary the provisions of Chapter D7. However, BSA may vary the provisions of Chapter D7.
- ❑ Alterations to an existing OLT or NLT, shall comply with EBC chapters 8, 9, 10, 11, 13, 14, as applicable, for all other provisions not covered by Ch D7.
- ❑ Where there is a conflict between the provisions of this Chapter D7 and the provisions of this code, the more restrictive shall apply.

Chapter D7

Tenements (MDL Article 7)

Selected Provisions that are carried over from the MDL and Article 7

- **Applicability (MDL 210).** Alteration, additions, and change of occupancy of OL and NL shall comply with EBC and Chapter D7.
- **D701.2 (MDL 9(3)).** D7 shall not apply to OL and NL converted to HAEA (2008+)

CLASS A	CLASS B	DESCRIPTION
OL		Old Law Tenement – Originally erected as a multiple dwelling in accordance with the laws in effect prior to April 12, 1901, and recorded as OL in the Tenement House Department (now Department of Housing Preservation and Development) before April 18, 1929.
OLSR		Old Law Tenement, Single Room Occupancy – Old law tenements that contain units converted to single room occupancy pursuant to MDL § 248. When a Class A tenement is converted to OLSR, it remains a Class A multiple dwelling.
NL		New Law Tenement – Originally erected as a multiple dwelling in accordance with the laws in effect after April 12, 1901, and prior to April 18, 1929, and recorded as NL in the Tenement House Department (now Department of Housing Preservation and Development) before April 18, 1929.
NLSR		New Law Tenement, Single Room Occupancy – New law tenements that contain units converted to single room occupancy pursuant to MDL § 248. When a Class A tenement is converted to NLSR, it remains a Class A multiple dwelling.

Chapter D7

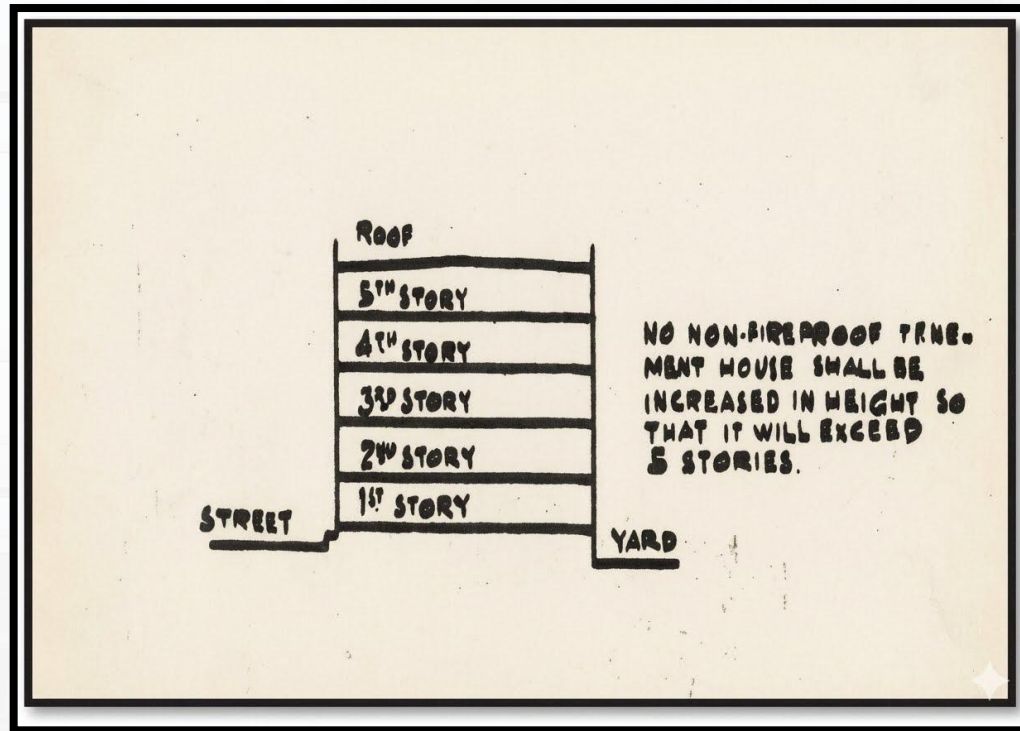
Tenements (MDL Article 7)

Section D702 Light and air (MDL 7 Title 1)

D702.1 (MDL 211) Height and bulk (MDL 211).

- ✓ Non-fireproof tenement shall not be increased in height to exceed 5 stories unless altered to comply with HAEA(2008+). However, 5 story buildings may be increased to 6 stories with conditions.

- ✓ Roof structures shall be included in height when exceeds 10 ft in height or 10% of roof area

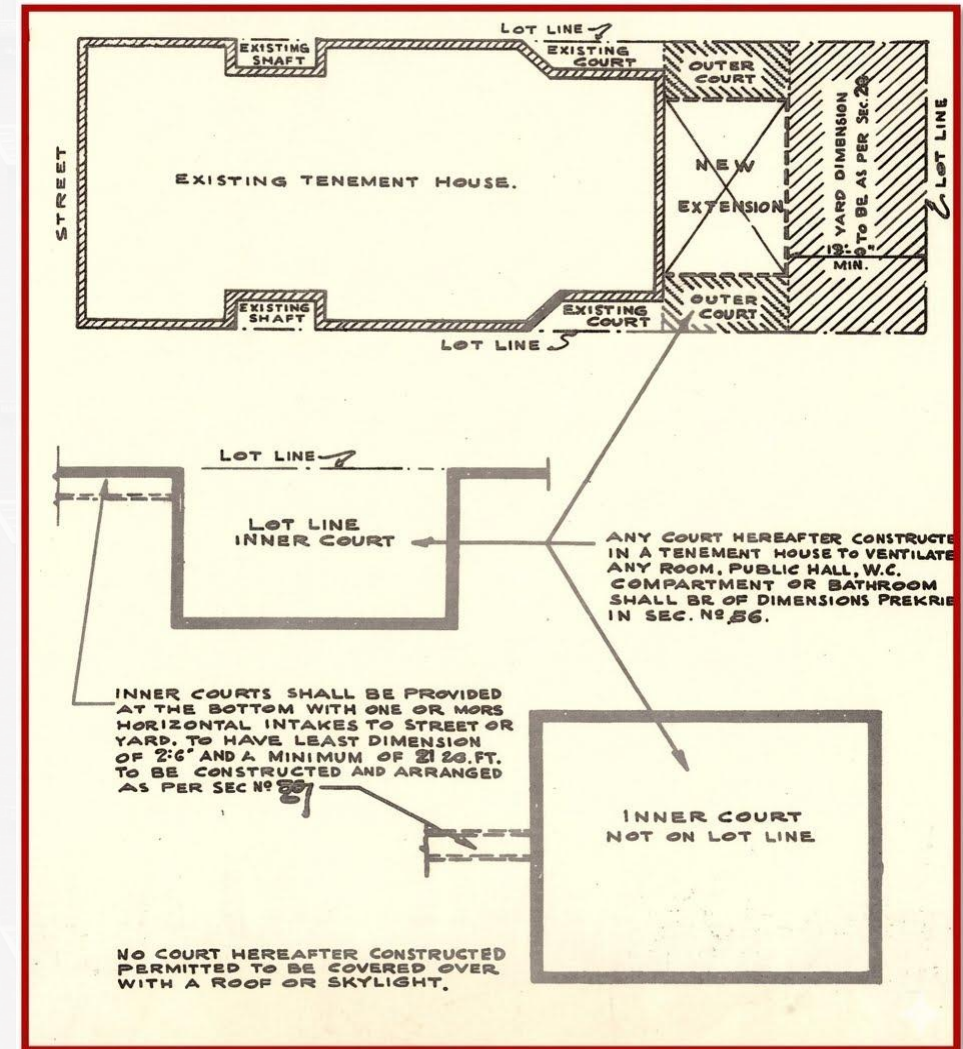


Chapter D7

Tenements (MDL Article 7)

- **D702.2 Yards and Courts (MDL 212)**
 - Courts constructed after Dec 15, 1961, shall comply with NYC Zoning.
 - Courts constructed after April 18, 1929, shall be at least **25 sq.ft in area** with a minimum dimension of 4 ft.
 - Every inner court or shaft in OL shall be accessed by a door at the bottom of every such court or shaft.

*Image courtesy of Institute of Design and Construction (IDC) training book on MDL.
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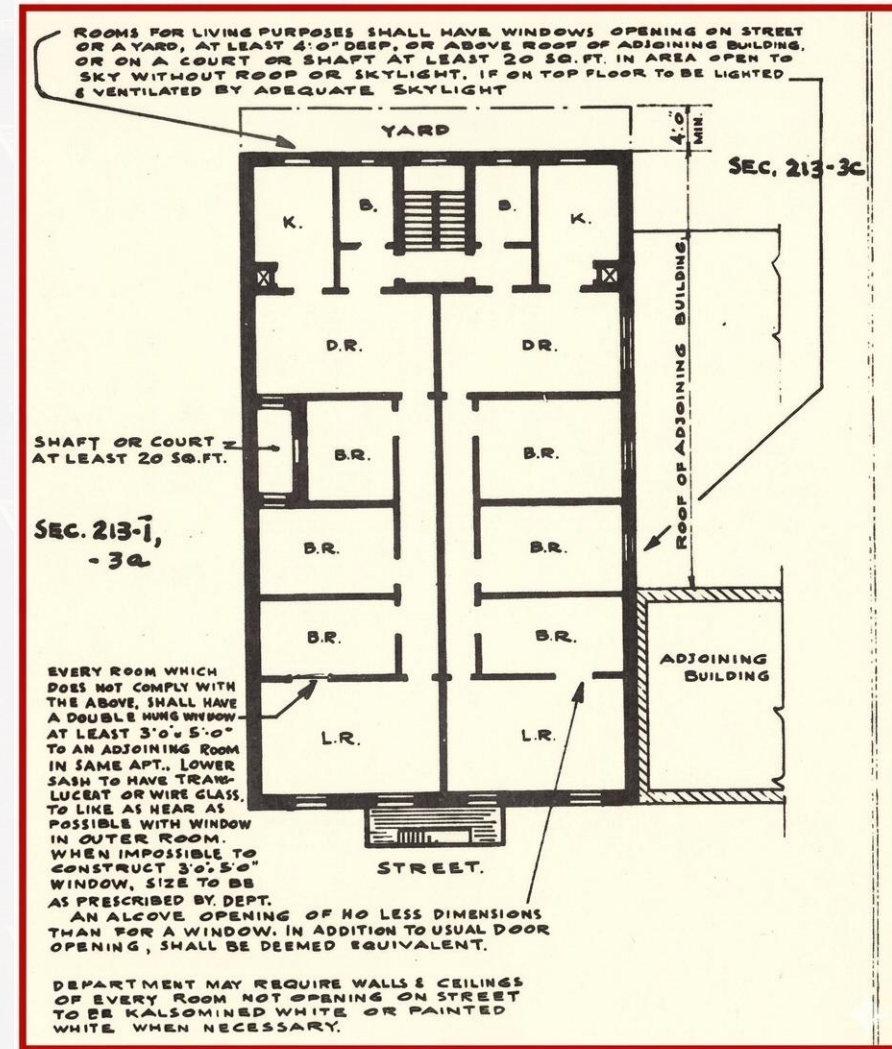


Chapter D7

Tenements (MDL Article 7)

- **D702.3 Lighting and ventilation of rooms (MDL 213).** This section addresses requirements for:
 - Windows in NL that are required to ventilate stair hall, public hall, living room, and at least one bathroom.
 - Windows in OL that are required to ventilate living rooms and alcoves including top floor rooms that may be ventilated by a skylight.

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Chapter D7

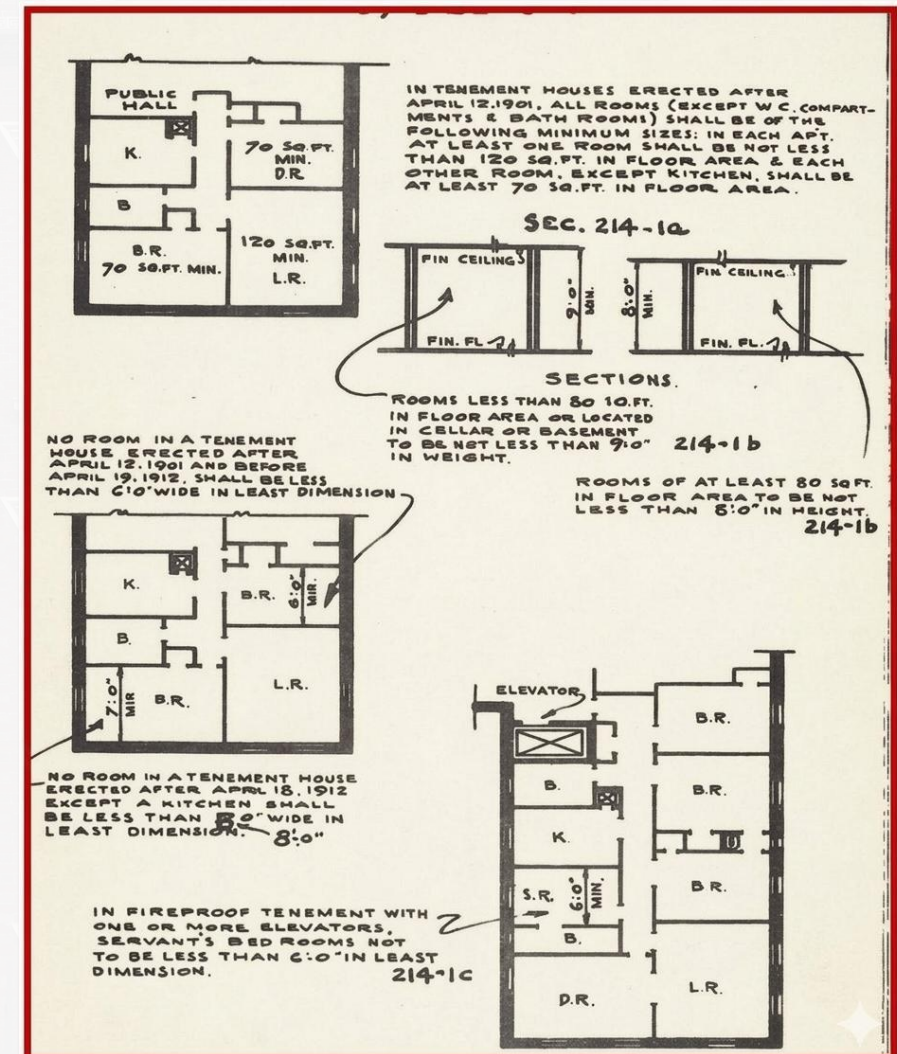
Tenements (MDL Article 7)

■ D702.4 Size of rooms (MDL 214).

This section addresses dimensions of rooms in NL:

- At least one living room contains **120 Sq ft** and every other room contains **70 sq ft**.
- Every room contains less than **80 sq ft** or located in the cellar shall have a clear floor to **ceiling height of 9 ft.** and every other room **at least 8 ft in height**.
- Min. dimension of living rooms shall be **at least 6ft** or **7 ft** for tenements erected after 1912.

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Chapter D7

Tenements (MDL Article 7)

■ **D702.7 Lighting and ventilation of public halls and stairs (MDL 217).**

This section addresses ventilation and window dimensions in:

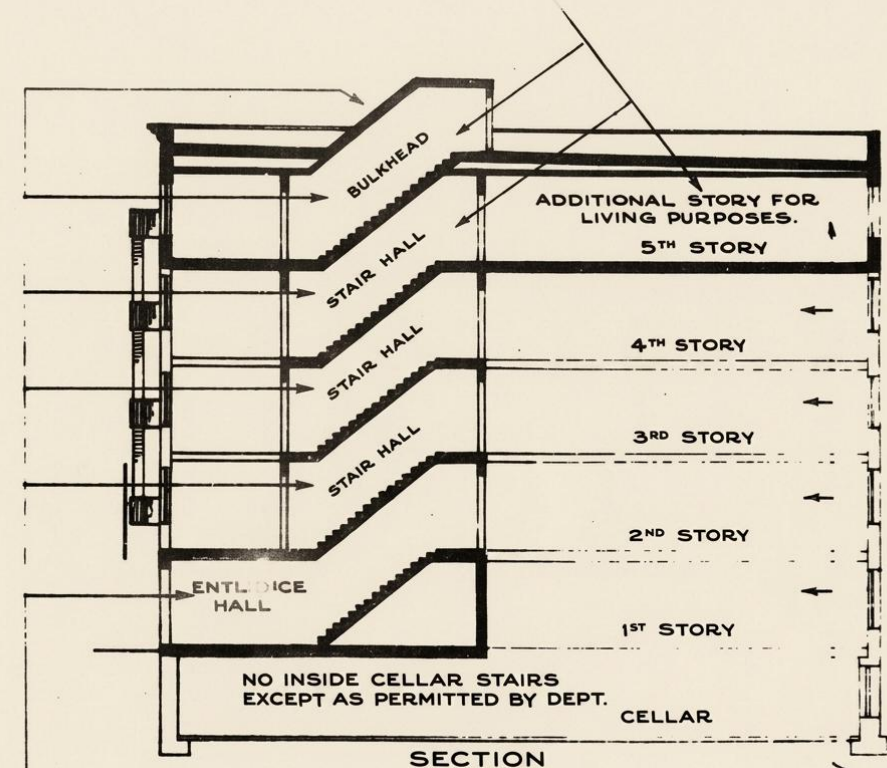
- Public halls in larger NLs and recesses
- Public halls in smaller NLs and exceptions for NL buildings which does not exceed 3 stories in height or **55 ft in depth**, and not more than one family per floor.
- Minimum dimensions of windows in a NL public hall.
- Ventilation of stairs by windows and skylights.
- Public halls and stairs in Ols including skylights installed after 1929.
- Insufficient lighting of public halls in Ols.

Chapter D7

Tenements (MDL Article 7)

- **D702.8 Certain alterations (MDL 218).**
This section addresses certain alterations made to existing OL and NL dwellings:
 - Certain NL dwelling units erected after 1902, extending from street to yard with inner or outer courts may be altered to units opening either on the street or the yard.
 - Increasing or decreasing the number of units in NLs
 - Increasing the number of apartments in Ols.
 - Increasing the number of rooms, the building height, or combining Ols.

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IDC founded in 1947 and dissolved in 2015.*



ANY OLD LAW TENEMENT HOUSE HEREAFTER ALTERED SO AS TO INCREASE THE NUMBER OF APARTMENTS OR SUITES OF ROOMS, THE ENTRANCE HALLS & STAIR HALLS SHALL BE FIRE-RETARDED IN THE MANNER REQUIRED BY THE DEPT. 2/8-5

THE STAIRS SHALL EXTEND TO THE ROOF & THERE SHALL BE NO INSIDE STAIRS FROM THE ENTRANCE FLOOR TO CELLAR OR OTHER LOWEST STORY EXCEPT AS PERMITTED BY THE DEPT.

Chapter D7

Tenements (MDL Article 7)

Section D703 Fire protection (MDL Article 7 Title 2)

- **D703.2 Egress of certain tenements (MDL 231).** Every non-fireproof tenement exceeding 2 stories in height and every fireproof NL erected after May 16, 1913, shall comply with the following:
 - Two independent means of egress extending from the ground floor to the roof.
 - One of the means shall be a flight of stairs.
 - The second means shall be accessible from every unit without passing through the first means. It can be one of these:
 - ✓ A system of outside fire escapes,
 - ✓ Another interior or exterior stair
 - ✓ A fire tower or fire stair
 - ✓ Any means lawfully permitted on April 18, 1929

Chapter D7

Tenements (MDL Article 7)

- **D703.5 Stairs and public halls (MDL 234).** This section addresses:
 - Stairs in **NLs** erected after April 18, 1912: all stairs shall extend from the entry level to the roof, stairs and public hall shall be a **3 ft min width**, and directly accessible from each dwelling unit.
 - Stairs in all **NLs** shall be separated from other stairs or elevator shaft by brick walls or partitions at least **4" thick**.
- **D703.6 Stairs in non-fireproof tenements (MDL 235).** This section addresses:
 - Number of stairs in non-fireproof NLs with more than 26 apartments.
 - Change in number of living rooms on any story. Additional stair is required for each 20 rooms or fraction thereof above 20 rooms.
 - Where alteration is made to a non-fireproof tenement that resulted in the reduction of number of living rooms, no additional stairs are required even if the number of dwelling is units increased.

Chapter D7

Tenements (MDL Article 7)

■ D703.7 Stairs in fireproof tenements (MDL 236).

This section addresses:

- Required additional stairs in large NLs erected after 1902 and containing more than 36 units, for every additional 36 apartments or fraction thereof.
- In lieu of an additional stair in large NLs with a maximum 48 units, the stair hall and entrance hall can be at least one-half wider.
- Where the NL contains more than 72 units but not more than 84 units, in lieu of three stairs, two stairs will be sufficient where one stair and entrance halls connecting them are one-half wider.
- Number of dwelling units may be altered where the number of living rooms is not increased by **more than 30%**. Additional stair shall be required for stories with more than 30 living rooms for each additional 30 rooms. In lieu of an additional stair, if the number of rooms do not exceed 40, one of the stairs and connecting public halls may be at least one-half wider.
- Where the alteration results in a decrease in number of living rooms, no additional stairs are required even if the number of dwelling units is increased.

Chapter D7

Tenements (MDL Article 7)

■ **D703.8 through D703.10 (MDL 237, 238, 239).**

These sections address the construction of:

- Stairs: access from the street, risers and treads, winding stairs, and reconstruction of stairs.
- Stair enclosures, entrance hall construction and rear yard access.
- Stair, entrance hall and public hall in NLs erected after April 18, 1912, and Ols.
- Tower fire escapes and supplemental stairs in fireproof tenements

■ **D703.11 through D703.14 (MDL 240, 241, 242, 243).**

These sections address the construction of:

- The first tier of beams above the cellar, basement or lowest story shall be fireproof.
- Fire stopping and construction of partitions.
- Cellar and basement stairs in non-fireproof NLs shall be enclosed with fireproof walls and provided with FPSC doors. In Ols, the soffit and enclosing partitions shall be fire retarded.

Chapter D7

Tenements (MDL Article 7)

Section D704 Single Room occupancy (MDL Article 7, Title 2-A Section 248).

- **D704.1.1 Creation of or conversion to rooming units.** The creation of or conversion to single room occupancy shall be limited by Section 27-2077 of the New York City Housing Maintenance Code.

§27-2077 Conversions to rooming units prohibited.

a. *No rooming unit which was not classified and recorded as such in the department prior to May fifteenth, nineteen hundred fifty-four or converted to such use prior to April thirtieth, nineteen hundred fifty-six, shall be created in any dwelling, whether such conversion is effected with or without physical alterations, except for rooming units:*

- (1) Owned or controlled and operated by a hospital for occupancy by nurses and interns on its staff; or*
- (2) Owned and operated without profit by an educational, religious or charitable institution as a residence for the aged, or for working girls or women, or for working boys or men, or for delinquent, dependent or neglected children, or for students attending a school or college; or,*
- (3) approved by the commissioner of the department and created with the substantial assistance of loans, grants or subsidies from any federal, state or local agency or instrumentality; or*
- (4) approved by the commissioner of the department and owned, operated or used by any federal, state or local agency or instrumentality or by a non-profit organization.*

b. *When the ownership, operation or use by an institution or public agency for any of the purposes enumerated in subdivision a ceases, the certificate of occupancy shall expire.*

Chapter D7

Tenements (MDL Article 7)

Section D705 Sanitation (MDL Article 7 Title 3)

Main requirements:

- At least one enclosed water closet shall be provided with the DU for the exclusive use of each family.
- Requirements for DUs used for Single room occupancy:
 - One bath or shower, one wash basin and one water closet for each 6 adults
 - There shall be access to each water closet without passing through any sleeping room.
- Water closets shall be ventilated and lighted naturally or by mechanical means.
- In NLs, every DU of three or more rooms, there shall be access to every living room, bedroom, and a bathroom without passing through any bedroom.

Chapters D8 – D10

Chapter D8 [Reserved]

Chapter D9 Lodging Houses (MDL 66)

Lodging Houses shall comply with MDL Section 66 and HPD rules.

Chapter D10 Heretofore Erected Existing Class A and Class B Multiple Dwellings and Certain Hereafter Erected Class B Multiple Dwellings

Alterations to multiple dwellings classified as HEXA, HEXB and HAEB (1929-1968) shall comply with the provisions of this code and the additional provisions of this Chapter D10 and MDL Section 67.



NYC EXISTING BUILDING CODE

Multiple Dwellings

build safe | live safe

MODULE H

CONTACT US

■ WEBPAGE

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