

Mckinney's Consolidated Laws of New York Annotated [Currentness](#)

Multiple Dwelling Law ([Refs & Annos](#))

Chapter 61-A. Of the Consolidated Laws ([Refs & Annos](#))

▣ [Article 3. Multiple Dwellings--General Provisions \(Refs & Annos\)](#)

→ [Title 3. --Sanitation and Health \(Refs & Annos\)](#)

→ **§ 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 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-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 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.

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 the 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.

a. 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.

b. 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.

(c) 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 (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.

a. 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.

b. 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 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 wilful act, assistance or negligence or that of any member of his family or household or his guest. Any such persons who shall wilfully 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 (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.
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.

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