

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

Multiple Residence Law [\(Refs & Annos\)](#)

Chapter Sixty-One-B. Of the Consolidated Laws [\(Refs & Annos\)](#)

→ [Article 2. Miscellaneous Application Provisions \(Refs & Annos\)](#)

→ **§ 8. General application to all dwellings**

Except as otherwise specifically provided in this chapter, every multiple dwelling shall be constructed and maintained in accordance with all applicable requirements of this chapter and other applicable laws.

§ 9. Buildings converted or altered

1. On or after July first, nineteen hundred fifty-two, no multiple dwelling shall be enlarged or its lot diminished so that the yard or other unoccupied areas shall be diminished in size or area below the minimum requirements of this chapter.
2. A building not a dwelling, if converted on or after July first, nineteen hundred fifty-two, to a multiple dwelling, shall thereupon become subject to all the provisions of this chapter applicable to new multiple dwellings of like class and kind. "Class" shall mean the use of a multiple dwelling for either permanent or transient occupancy or both. "Kind" shall mean the type of construction of a building, either fireproof or non-fireproof.
3. No dwelling shall be altered or converted so as to be in violation of any provision of this chapter relating to dwellings of like class and kind, and, except as provided in subdivision four, a dwelling, altered or converted to be occupied primarily for permanent-residence use, shall comply with article three; and a dwelling converted or altered to be occupied primarily for transient use shall comply with article four.
4. If any multiple dwelling three or more stories in height is altered after July first, nineteen hundred fifty-three so as to increase its height or bulk for living purposes or so as to increase the number of living rooms by more than twenty per centum, such dwelling shall be made to conform to the requirements of this chapter with respect to new dwellings of like class and kind erected after such date.
5. It shall be unlawful to convert a frame dwelling to a multiple residence, except that a frame dwelling not more than two stories and attic in height and erected before July first, nineteen hundred fifty-two, as a one-family or two-family residence may be converted to a multiple dwelling for permanent occupancy by complying with article three; and if such residence is converted to be occupied, as a rule, for transient use, it shall comply with article four.

§ 10. Dwellings damaged

If an old or other existing 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 new multiple dwellings.

§ 11. Old dwellings

Except as required in [section nine](#) and articles three and four, nothing in this chapter shall be construed to require any change in the construction, use, or occupancy of any old or other existing multiple dwelling occupied as such on July first, nineteen hundred fifty-two, which on such date is in compliance with the provisions of all statutes, local laws, ordinances, rules and regulations applicable thereto.

§ 12. Uncompleted dwellings

1. The provisions of this chapter relating to new multiple dwellings 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 July first, nineteen hundred fifty-two, or to any dwelling the plans for conversion of which to multiple dwelling occupancy, were on file with the department or a permit authorizing the commencement of the work of such conversion was issued by the department before such date, provided, however, a certificate of occupancy as required by the provisions of [section three hundred two](#) shall be obtained therefor prior to July first, nineteen hundred fifty-seven.

2. No provisions of any part of this section shall be deemed to prohibit the amendment of any plans filed and approved before July first, nineteen hundred fifty-two, if such amendment would have been lawful before such date, or if such amendment complies with the requirements of this chapter for alterations to buildings of like kind existing before such date.

§ 13. Prohibited uses

The storage or keeping of any combustible gaseous material within any multiple dwelling shall be unlawful unless a written permit therefor is issued by the department and any and all local laws or regulations applicable thereto are complied with. The provisions of this section shall not prevent the keeping of such gasoline, oil or other fuel as may be contained in a tank or receptacle of a motor vehicle stored in a space provided for automobiles in a multiple dwelling, nor shall this section apply to gaseous material used for the cleaning or washing of a motor vehicle so stored. Such permit shall not be required for the keeping or storage of oil or kerosene in quantities not exceeding five gallons at any one time for domestic heating or cooking purposes, provided such oil or kerosene is in a container directly connected to the heating or cooking appliances in which it is to be used and is kept or stored in accordance with standards of safety prescribed by the depart-

ment.

[§ 14. Repealed. L.1981, c. 967, § 8, eff. Sept. 1, 1981]

§ 15. 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, tourist houses, lodging houses, rooming houses, boarding houses, boarding and nursery schools, furnished room houses, club houses, sorority and fraternity houses, college and school dormitories, convalescent, old age and nursing homes, any dwelling which is two or more stories in height, with five or more boarders, roomers or lodgers residing with any one family, and any 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 multiple dwellings which are occupied for permanent residential purposes only, other than any portion of any such dwelling used for single room occupancy, and notwithstanding the provisions of [sections forty](#) and [one hundred seventy-four](#) or any other provision of this chapter, or of any other law or requirement, state or local, 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 multiple dwelling units as specified in paragraph (b) of subdivision two of this section, or any portion of any 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 forty](#) or [one hundred seventy-four](#) 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.

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