

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 2. Fire Protection and Safety \(Refs & Annos\)](#)

→ **§ 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 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, [FN1] 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. [FN1] 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 prescribed by law, and any person who shall wilfully 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.

[FN1] McKinney's Unconsolidated Laws § 8601 et seq.

§ 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.

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 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 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.
- 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.

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

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:

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 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 unpierced 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.

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

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 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 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, hand-rails, 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 compartment shall be fire-retarded and shall be provided with a fireproof door and door assembly with the door self-closing. Each such compartment shall be ventilated in accordance with regulations adopted by the department. Any space which is used for the storage of mattresses, in addition to conforming to the other provisions of this section, shall be provided with a window ten square feet or more in area, and such window shall open upon a street or yard.

g. There shall be provided on each lodging-house story one or more containers of metal or other hard incombustible material, with self-closing lids, in which all scrap and refuse of a combustible nature shall be placed until its disposal.

h. Insecticides and other fluids containing inflammable, volatile or combustible material shall be stored in a completely enclosed fire-retarded room or compartment, ventilated in accordance with regulations adopted by the department, and only under authority of a permit from the fire department.

3. a. In non-fireproof lodging houses there shall be in all dormitories, entrance and other public halls, stairs,

storage rooms, cellars and other parts of the dwelling an automatic wet-pipe sprinkler system, installed and maintained in conformity with regulations adopted by the department. In connection with such sprinkler system there shall be an automatic closed-circuit alarm system so arranged and installed as to give warning, at a recognized central station satisfactory to the fire department, of the closure of any valve controlling water supply to any of the sprinklers and of the operation of any sprinkler head. Such alarm system shall also be so installed and maintained that when a sprinkler operates an alarm bell satisfactory to the fire department, eight inches in diameter or at least capable of being heard clearly throughout the room, will sound in each dormitory and in the office of the lodging house, and that such alarm system can also be operated manually. Such sprinkler and alarm systems shall have supervisory and maintenance service satisfactory to the department and the fire department respectively. Any existing fire alarm or sprinkler system which can be altered or adapted to meet the requirements of this paragraph may be so used instead of a completely new system.

b. In fireproof lodging houses all dormitories, entrance and other public halls, stairs, storage rooms, cellars and other parts of the dwelling shall either be equipped with a combined sprinkler and fire alarm system as required for the lodging houses provided for in paragraph a or be equipped throughout with an automatic, thermostatic, closed-circuit fire alarm system. Such alarm system shall be so arranged and installed that it can also be operated manually and that it will give warning, at a recognized central station satisfactory to the fire department, of the operation of any part of the alarm system. Such alarm system shall also be so installed and maintained as to actuate an alarm bell satisfactory to the fire department and at least eight inches in diameter in each dormitory in the dwelling and in the lodging-house office when the alarm system operates. Such alarm system shall have supervisory and maintenance service satisfactory to the fire department.

4. a. There shall be at least two means of unobstructed egress from each lodging-house story, which shall be remote from each other. The first means of egress shall be to a street either directly or by an enclosed stair having unobstructed, direct access thereto. If the story is above the entrance story, the second means of egress shall be by an outside fire-escape 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 at 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. 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 dwellings;

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 dwelling 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, 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 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 louver 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.

[(ii) *Repealed.*]

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 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 rust-proof bolts, hooks, or a lock which does not require a key to open from the inside of the dwelling.

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.

§ 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, 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 co-operatives.

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