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THE CITY OF NEW YORK

TITLE D*
HOUSING MAINTENANCE CODE

* Added by L. L. 1967, No. 56, July 14. Subsequent amendments
indicated in text.

Department of Housing Preservation and Development
Office of Rent and Housing Maintenance

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SUBTITLE II: MAINTENANCE, SERVICES, AND UTILITIES

ARTICLE 10: Obligations of Owner and Tenant; Duty to Repair

Section

- D26-10.01 Duties of Owner
D26-10.03 Duties of Tenant
D26-10.05 Certain Specific Duties of Tenants and Others
D26-10.07 Owner's Right of Access
D26-10.09 Tenant Violations as Grounds for Eviction

Sec. D26-10.01 Duties of owner

- a. The owner of a multiple dwelling shall keep the premises in
good repair.
b. The owner of a multiple dwelling, in addition to the duty
imposed upon him by subsection (a) of this section, shall
be responsible for compliance with the requirements of this
code, except insofar as responsibility for compliance is
imposed upon the tenant alone.
c. The owner of a one- or two-family dwelling shall keep the
premises in good repair, and shall be responsible for
compliance with the provisions of this code, except to the
extent otherwise agreed between him and any tenant of such
dwelling by lease or other contract in writing, or except
insofar as responsibility for compliance with this code is
imposed upon the tenant alone.

Sec. D26-10.03 Duties of tenant

- a. A tenant shall, in addition to complying with all provisions
of this code and the multiple dwelling law applicable to
him, be responsible for violations of this code to the
extent that he has the power to prevent the occurrence of a
violation. A tenant has the power to prevent the occurrence
of a violation if:
(1) it is caused by his own willful act or that of a member
of his family or household, or a guest; or
(2) it is the result of his gross negligence, neglect or
abuse, or the gross negligence, neglect or abuse of a
member of his family, or household or a guest.
b. The tenant, any member of his family or household, or his

guest shall, with respect to the public parts of the premises, be liable if a violation is caused by his own willful act, gross negligence, neglect or abuse.

- c. The fact that a tenant is or may be liable for a violation of this code or any other law or is found liable for civil or criminal penalties does not relieve the owner of his obligation to keep the premises, and every part thereof, in good repair.

Sec. D26-10.05 Certain specific duties of tenants and others

In addition to other duties imposed upon him by this code, no tenant, or any other person, shall:

- a. remove or render inoperative any self-closing device on any door which is required by any provision of law to be self-closing, or cause or permit such door to be held open by any device;
- b. use, or cause or permit to be installed, a louvred door or screen door in addition to or in place of any required self-closing door to a public hall;
- c. place any encumbrance before or upon, or cause access to be obstructed to, any fire escape, or obstruct by a baby carriage or any encumbrance the public halls or any required means of egress;
- d. take down, alter, destroy, or in any way deface any sign required by this code to be displayed.

Sec. D26-10.07 Owner's right of access

No tenant shall refuse to permit the owner, or his agent or employee, to enter his dwelling unit or other space under his control to make repairs or improvements required by this code or other law or to inspect such apartment or other space to determine compliance with this code or any other provision of law, if the right of entry is exercised at a reasonable time and in a reasonable manner. The department may by regulation restrict the time and manner of such inspections.

Sec. D26-10.09 Tenant violations as grounds for eviction

Any conviction of a tenant for violation of this code which:

- (1) results from willful or grossly negligent conduct and causes substantial damage to the dwelling units; or
- (2) results from repeated or continued conduct which causes damage to the dwelling unit or substantially interferes with the comfort or safety of another person; or
- (3) consists of an unreasonable refusal to afford access to the dwelling unit to the owner or his agent or employee for the purpose of making repairs or improvements required by this code, shall constitute grounds for summary proceedings by the owner to recover possession of such dwelling unit from the tenant.

 ARTICLE 11: Cleaning

Section

- D26-11.01 Cleaning of Roofs, Yards, Courts and Other Open Spaces
- D26-11.03 Cleaning of Interior Shared Space
- D26-11.05 Cleaning of Interior of Dwelling Units

Sec. D26-11.01 Cleaning of roofs, yards, courts and other open spaces

The owner of a dwelling containing two or more dwelling units, and the occupant of a single family dwelling shall keep the roof, yard, courts and other open spaces clean and free from dirt, filth, garbage or other offensive material.

Sec. D26-11.03 Cleaning of interior shared space

The owner of a dwelling shall maintain the public parts in a clean and sanitary condition.

Sec. D26-11.05 Cleaning of interior of dwelling units

- a. The occupant of a dwelling shall maintain the dwelling unit which he occupies and controls in a clean and sanitary condition except as provided in subdivision (b)
- b. The owner of all rooming units in a rooming house or an entire multiple dwelling used for single room occupancy, or the person in control of an apartment containing rooming units, shall clean any such unit before any change in occupancy and at least once a week during the period of occupancy and shall at all times maintain the same in a clean and sanitary condition.

ARTICLE 12: Painting

Section

- D26-12.01 Painting Or Public Parts and Within Dwellings
- D26-12.03 Window Frames and Fire Escapes
- D26-12.05 Courts and Shafts
- D26-12.07 Departmental Regulations Concerning Paint and Wall Covering and Quality and Frequency of Repainting or Re-covering

Sec. D26-12 01 Painting of public parts and within dwellings

- a. In the public parts of a multiple dwelling, and in a tenant-occupied dwelling unit in a one-or two-family dwelling, the owner shall:
 - (1) paint or cover the walls and ceilings with wallpaper or other acceptable wall covering; and
 - (2) repaint or re-cover the walls and ceilings with wallpaper or other acceptable wall covering whenever necessary in the judgment of the department to keep such surfaces sanitary.
- b. In occupied dwelling units in a multiple dwelling, the owner

shall

- (1) paint or cover the walls and ceilings with wallpaper or other acceptable wall covering; and
 - (2) repaint or re-cover the walls and ceilings with wallpaper or other acceptable wall covering every three years, and more often when required by contract or other provisions of law.
- c. The department may require a tenant of a dwelling unit in a multiple dwelling to repaint or recover the interior walls and ceilings of his dwelling unit with wallpaper or other acceptable wall covering if such walls and ceilings become unsanitary at any time within three years from the date of the last refinishing by the owner. However, if the tenant can show, to the satisfaction of the department, that the walls and ceilings have become unsanitary through no act or neglect of his own or of his family or guests, the department may require the owner to repaint or re-cover the same. This subsection does not relieve the owner from his duties under subsection (b)(2) of this section.
- d. The owner and tenant of any dwelling unit in a multiple dwelling may, by voluntary agreement, provide that the owner need not repaint in such unit as required by subsection (b) (2) of this section for such additional period, not to exceed two years, as may be agreed upon. Such an agreement to extend the time for repainting shall not be valid unless it has been entered into not earlier than one month prior to the expiration of the three-year period, and shall not form part of any agreement of lease. The department may prescribe the form of such agreements, require them to be filed, and may make such other regulations as may be necessary to avoid abuse, and to further the purposes of this article. Notwithstanding any agreement, the department may, during the period for which repainting is deferred by agreement, order repainting by the owner in any dwelling unit when deemed necessary to keep the walls and ceilings of such unit sanitary. This subsection shall not affect the applicability of subsection (c) of this section during the three years after any repainting or re-covering.
- e. Neither the owner nor a tenant of a dwelling unit shall place wallpaper or wall covering upon a wall or ceiling in the public or tenant-occupied parts of a dwelling unless existing wallpaper or wall covering is first removed and such wall or ceiling is cleaned and repaired. However, if wallpaper or wall covering is in good condition, free from vermin and a coat of acceptable paint or sizing is applied, one additional layer of wallpaper or wall covering may be applied.
- f. Nothing contained in this section shall be deemed to require the owner of a dwelling to cover with wallpaper or other acceptable covering any wall or ceiling not previously so covered by him. When a wall or ceiling of a dwelling unit has been decorated with paper, wood paneling, or other material over which paint normally is not applied, the owner shall be relieved of his obligation to repaint or recover such wall or ceiling so long as the same remains in a sanitary condition, in the judgment of the department. When the department requires redecoration of such wall or ceiling, the tenant shall remove any paper, wall covering, wood paneling or other material which he himself has applied before the owner is required to clean and repair and repaint or re-cover. However, if the owner or a former tenant has applied paper, wall covering, wood paneling or other

material, the owner shall be responsible for its removal before redecoration.

- g. The owner of a multiple dwelling shall keep and maintain records relating to the refinishing of public parts and dwelling units showing when such parts were last painted or papered or covered with acceptable material and who performed the work. Such records shall be open to inspection by the department, and shall be submitted to the department upon request.

Sec. D26-12.03 Window frames and fire escapes

- a. At least once every five years, the owner of a dwelling shall paint all exterior window frames and sashes with one coat of an exterior paint. The department may require a more frequent repainting of any window frame or sash, as it deems necessary. This subsection shall not apply to window frames and sashes of approved atmospheric corrosion resistant metal.
- b. The owner of a dwelling shall paint every fire escape with two coats of paint of contrasting colors. The owner shall paint the first coat before and the second after erection of a new fire escape, except that this shall not apply to fire escapes constructed of approved atmospheric corrosion resistant metal. Whenever a fire escape becomes corroded, the owner shall scrape and remove the corrosion products and repaint it with two coats of paint of contrasting colors.

Sec. D26-12.05 Courts and shafts

- a. The owner of a multiple dwelling shall whitewash the walls enclosing all courts and shafts not made of light-colored brick or stone or shall paint such walls a light color, and shall maintain them in a clean condition.
- b. As often as it deems necessary, the department may require the owner of a multiple dwelling:
 - (1) to rewhitewash or repaint the walls enclosing courts and shafts not made of a light colored brick or stone, and
 - (2) to clean the walls enclosing courts and shafts made of a light-colored brick or stone.
- c. This section does not apply to:
 - (1) outer courts which open on a street; or
 - (2) courts which exceed the minimum dimensions set forth in section 26 of the multiple dwelling law by at least 50 per cent.

Sec. D26-12.07 Departmental regulations concerning paint and wall covering and quality and frequency of repainting or re-covering

- a. The department may by regulation prescribe or approve the kind and quality of paints or wall covering which may be used to satisfy the requirements of this article.
- b. The department may by regulation extend the time for repainting when in its judgment the particular kind and quality of paint or wall covering used is designed to wear

for considerably longer periods of time than the time set for repainting in this article. An owner who uses such long-wearing paints or wall covering shall inform the department prior to his doing so in accordance with departmental regulations.

ARTICLE 13: Extermination and Rodent Eradication

Section

- D26-13.01 Definitions
- D26-13.03 Rodent and Insect Eradication; Mandatory Extermination
- D26-13.05 Elimination of Harborages

Sec. D26-13.01 Definitions

When used in this article:

- (a) Eradication means the elimination of rodents or insects and other pests from any premises through the use of traps, poisons, fumigation or any other method of extermination.
- (b) Insects and other pests include the members of class insects, including houseflies, lice, bees, cockroaches, moths, silverfish, beetles, bedbugs, ants, termites, hornets, mosquitoes and wasps, and such members of the phylum arthropoda as spiders, mites, ticks, centipedes and wood lice.
- (c) Harborage means any condition which provides shelter or protection for rodents or insects and other pests.

Sec. D26-13.03 Rodent and insect eradication; mandatory extermination

- a. The owner or occupant in control of a dwelling shall keep the premises free from rodents, and from infestations of insects and other pests, and from any condition conducive to rodent or insect and other pest life.
- b. When any premises is subject to infestation by rodents or insects and other pests, the owner or occupant in control shall apply continuous eradication measures.
- c. When the department makes the determination that any premises are infested by rodents, insects or other pests, it may order such eradication measures as the department deems necessary.

Sec. D26-13.05 Elimination of harborages

All building material, lumber, boxes, cartons, barrels, containers, machinery. raw material, fabricated goods, junk, food, animal feed and any other substance which may afford harborage or provide food for such rodents or insects and other pests shall be kept stored or handled by the owner and tenants of every dwelling in such manner as the department may require. The department may make orders to eliminate rat harborages to the person who is responsible for the conditions. The department shall uncover and inspect periodically all structural harborages

which cannot be eliminated from dwellings.

ARTICLE 14: Collection of Wastes

Section

- D26-14.01 Definitions
 - D26-14.03 Receptacles for Waste Matter
 - D26-14.05 Frequency of Collection of Waste Matter from Dwelling Units in Multiple Dwellings
 - D26-14.07 Collection of Waste Matter from Dwelling units in One- and Two-Family Dwellings
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Sec. D26-14.01 Definitions

When used in this article:

- (a) Organic wastes shall mean all wastes produced by or from living organisms.
- (b) Inorganic wastes shall mean all waste other than organic wastes, including discarded lumber, wood shavings and furniture.
- (c) Household wastes shall mean all wastes, organic and inorganic, which are produced within a dwelling unit.

Sec. D26-14.03 Receptacles for waste matter

- a. The owner or occupant in control of a dwelling shall provide and maintain metal cans, or other receptacles jointly approved as to specifications by the department, the environmental protection administration and the department of health, for the exclusive use of each building, which shall be of sufficient size and number to contain the wastes accumulated in such building during a period of 72 hours. No receptacle shall be filled to a height so as to prevent the effective closure thereof and no receptacle shall weigh more than 100 pounds when filled. The receptacles shall be so constructed as to hold their contents without leakage. Metal cans shall be provided with tight-fitting covers and other receptacles shall be effectively closed. When requested by the environmental protection administration, the owner or occupant in control shall separate and place in separate receptacles, ashes, organic and inorganic wastes. Nothing contained in this subsection shall prevent the department, the environmental protection administration and the department of health from jointly approving as to specifications other systems for the disposal of waste utilizing containers of larger size and different construction as may be appropriate for such systems. (Subd. a amended by L. L. 1971, No. 11, Jan. 25.)
- b. Metal cans shall be kept within the dwelling or as required by the department until the time for removal of their contents when they shall be placed in front of the dwelling. When inside storage is required, receptacles of other materials shall be kept in a metal can or a rat-proof and fire-proof room until the time of their removal when they shall be removed from the metal can and be neatly stacked in front of the dwelling. After the contents have been removed

by the environmental protection administration, any receptacles remaining shall be returned promptly to their place of storage. Metal cans shall be kept covered at all times and shall be disinfected regularly and maintained in a sanitary condition. Yard sweepings, hedge cuttings, grass, leaves, earth, stone, or bricks shall not be mixed with household wastes. (Subd. b amended by L. L. 1971, No. 11, Jan. 25.)

- c. Newspapers, wrapping paper, or other inorganic wastes which are likely to be blown or scattered about the streets shall be securely bundled, tied or packed before being placed for collection. Such material shall be kept and placed for collection in the same manner as the receptacles.

Sec. D26-14.05 Frequency of collection of waste matter from dwelling units in multiple dwellings

- a. The owner of a multiple dwelling shall not allow the accumulation except in a lawful receptacle of ashes or any type of waste matter in any part of the premises.
- b. In multiple dwellings where the owner provides dumbwaiter service, all waste matter shall be collected at least once daily and deposited in separate receptacles.
- c. In multiple dwellings where no dumbwaiter service is provided, the owner shall provide between the hours of seven a.m. and ten a.m. or between five p.m. and eight p.m. daily:
 - (1) a sufficient number of receptacles but in no event less than two within the dwelling or other area approved by the department which are accessible to the tenants. Such receptacles shall be removed promptly upon the expiration of the selected time period and taken to their place of storage; or
 - (2) a pick-up service at each dwelling unit to collect ashes and wastes for deposit in the receptacles referred to in section D26-14.03 of this article.

The owner shall post and maintain a notice in a conspicuous place in the dwelling informing the tenants of the hour and method of collection. A new notice shall be posted and maintained within 48 hours preceding any change in such hour or method.

- d. The tenant of a multiple dwelling shall dispose of waste matter in accordance with the method provided by the owner under subsection (b) or (c) of this section. The tenant shall not accumulate any waste matter in his dwelling unit so as to create a condition which is unsanitary or a fire hazard in the judgment of the department.
- e. Subsections (b), (c) and (d) shall not apply to any multiple dwelling where regular incinerator services or other means of disposal approved by the department are provided. The tenant in such a dwelling shall dispose of waste matter in an incinerator or by such other approved means of disposal and shall not permit wastes to accumulate so as to create a condition which is unsanitary or a fire hazard in the judgment of the department.

Sec. D26-14.07 Collection of waste matter from dwelling units in one- and two-family dwellings

The owner and occupants of a one- or two-family dwelling shall provide for the regular collection of waste matter from dwelling units and its deposit in the receptacles required by section D26-14.03, and shall not permit ashes or any type of waste matter to accumulate in any part of the premises so as to create a condition which is unsanitary or a fire hazard in the judgment of the department.

ARTICLE 15: Water Supply

Section

- D26-15.01 Water Supply to Buildings
- D26-15.03 Water Supply to Individual Units and Fixtures

Sec. D26-15.01 Water supply to buildings

The owner of a dwelling shall provide and maintain a supply of pure and wholesome water sufficient in quantity and at sufficient pressure to keep all plumbing fixtures adequately supplied for their sanitary maintenance. Where water mains are available in the street, every dwelling shall be supplied with water from such mains. The owner shall keep the water free from connection to any unsafe water supply or from cross-connections to any drainage system.

Sec. D26-15.03 Water supply to individual units and fixtures

The owner of a dwelling shall provide proper appliances for the use of every dwelling unit to receive and distribute an adequate supply of water during all hours.

ARTICLE 16: Sewers and Drainage

Section

- D26-16.01 Maintenance of Sewer Connections and Plumbing Fixtures
- D26-16.03 Drainage of Roofs and Court Yards

Sec. D26-16.01 Maintenance of sewer connection and plumbing fixtures

The owner of a dwelling shall properly maintain and keep in good repair the plumbing and drainage system, including water closets, toilets, sinks and other fixtures.

Sec. D26-16.03 Drainage of roofs and court yards

- a. The owner of a dwelling shall grade and maintain the grading of all roofs, terraces, shafts, courts yards, and other open spaces on the lot, and shall provide and maintain unobstructed drainage from these areas and spaces through a drain connected to a street storm-water main or combined sewer and street storm-water main. In the absence of a street storm-water main or combined sewer and street storm-

water main, the department may permit the storm water from such areas to drain into a street gutter leading to a natural channel, water course, or dry well.

- b. The owner of a dwelling shall provide and maintain drainage from all roofs to carry off storm water, to prevent it from dripping to the ground, or from causing dampness in walls, ceilings, and open spaces.
- c. The department may require the owner of a dwelling to surface shafts, courts, yards, and other open spaces on the lot with concrete, and to pitch the surfaces of such areas towards a sewer-connected drain or other adequate drainage system, except that, with respect to private dwellings, the department may permit the surfacing of such areas with bituminous* aggregate or other similar material.
- d. The owner of a dwelling may plant grass, sod, shrubs, trees and other vegetation in yards and courts, unless the department orders its removal because in its opinion such vegetation interferes with proper drainage, light, ventilation, or egress.

ARTICLE 17: Heat and Hot Water

Section

- D26-17.01 Central Heat or Electric or Gas Heating System; When Required
- D26-17.03 Minimum Temperature to be Maintained
- D26-17.05 Self-inspection of Central Heating Plants
- D26-17.07 Supply of Hot Water; When Required
- D26-17.09 Gas-fueled or Electric Heaters

Sec. D26-17.01 Central heat or electric or gas heating system; when required

Except as otherwise provided in this article. every multiple dwelling and every tenant-occupied one- or two-family dwelling shall be provided with heat from a central heating system constructed in accordance with the provisions of the building code and the regulations or the department. A system of gas or electric heating provided for each dwelling unit may, if approved by the department, be utilized in lieu of a central heating system if

- (1) the system is lawfully in use on the effective date of this code; or
- (2) the system is approved by the appropriate city agencies having jurisdiction and is installed in a structure or building erected, converted, substantially rehabilitated, or completely vacated, after the effective date of this code.

Sec. D26-17.03 Minimum temperature to be maintained

- a. During the period from October 1 through May 31, centrally supplied heat, in any dwelling in which such heat is required to be provided, shall be furnished so as to maintain in every portion of such dwelling used or occupied for living purposes:

- (1) between the hours of six a.m. and ten p.m. a temperature of at least 68 degrees Fahrenheit whenever the outside temperature falls below 55 degrees: and
- (2) between the hours of ten p.m. and six a.m. a temperature of at least 55 degrees Fahrenheit whenever the outside temperature falls below 40 degrees.

b. During the period from October 1 through May 31. all central heating systems required under this article shall be maintained free of any device which shall cause or which is capable of causing an otherwise operable central heating system to become incapable of providing the minimum requirements of heat or hot water as required by this article for any period of time. This subdivision shall not apply to any safety device required by law, or by a rule or regulation of any city agency, to be used in conjunction with a central heating system. (Subd. b added by LL. 1978, No. 43, Sept. 22, amended by LL. 1981, No. 76, Oct. 1, 1981, eff. Oct. 31, 1981.)

Sec. D26-17.05 Self-inspection of central heating plants

The owner of a private dwelling or a multiple dwelling containing six or less units, occupied in whole or in part by a tenant or tenants, in which there was a breakdown or other failure in central heating system, under the control of the owner, shall cause the furnace, boiler or other central heating system to be inspected by a qualified person in the period between January first and September thirtieth subsequent to the breakdown. The owner of a multiple dwelling containing more than six units shall cause the furnace, boiler or other central heating system to be inspected by a qualified person between January first and September thirtieth of each year. The department shall, by regulation, provide criteria as to the qualification of and certify such persons. In addition to testing the efficiency and adequacy of the heating system, the central heating system or water heating appliance and its flues, vents and dampers shall be inspected for escape of carbon monoxide gas. The findings on inspection shall be recorded on forms approved by the department within fifteen days following the inspection and shall be delivered to the owner, who shall file a copy with the department within seven days of the receipt of such findings. Before October fifteenth all defects as found upon the inspection shall be corrected. The failure to file a copy of the report shall be a class C violation for the purpose of subdivision (d) of section D26-51.01 of the code. Even after such violation is placed the owner may file such report and the department shall enter a notation in its records of the date on which such report was accepted by the department. After the date of acceptance by the department the per diem penalty shall be stayed. The department shall maintain the violation on its records, with a notation of the date on which such report was accepted by the department until the May 31st following the year in which the report was to be filed. Notwithstanding any other provision of this code. the department may serve a notice of violation of failure to file a copy of the report in the same manner as a class A or class B violation and shall not be required to serve such notice by registered or certified mail. The provisions of this section shall not apply to dwellings owned or operated by the New York City housing authority.

Notwithstanding the provisions of any other law, failure by an owner of a dwelling required to file an inspection report prior to December thirty-first, nineteen hundred seventy-nine shall not be deemed a violation under the provisions of the article.

(Amended by L. 1978, ch. 132, May 16, eff. Jan. 1, 1979; L. 1980, ch. 59, April 8, L. L. 1980, No. 47, Sept. 8.)

Sec. D26-17.07 Supply of hot water; when required

Except as otherwise provided in this article, every bath, shower, washbasin and sink in any dwelling unit in a multiple dwelling or tenant-occupied one-family or two-family dwelling shall be supplied at all times between the hours of six a.m. and midnight with hot water at a constant minimum temperature of 120 degrees Fahrenheit from a central source of supply constructed in accordance with the provisions of the building code and the regulations of the department. Gas or electric water heaters may, if approved by the department, be utilized in lieu of a central source of supply of hot water if such heaters

- (1) are lawfully in use on the effective date of this code; or
- (2) are approved by the appropriate city agencies having jurisdiction and are installed in a structure or building erected, converted, substantially rehabilitated, or completely vacated after the effective date of this code.

Sec. D26-17.09 Gas-fueled or electric heaters

- a. Gas-fueled or electric space or water heaters, where permitted by this article as an alternative to a central supply of heat or hot water, shall be governed by the provisions of this section.
- b. The capacity, number and location of such heaters shall be such as to furnish the same standard of heat or hot water supply, as the case may be, as is required to be furnished from a central heat or hot water system.
- c. Electric heaters shall be approved by Underwriters Laboratories, Inc. and shall comply with applicable provisions of the building code and the multiple dwelling law.
- d. Gas-fueled heaters shall comply with article 18 of this code and with applicable provisions of the building code and the multiple dwelling law, but any such heater lawfully in existence on the effective date of this code which does not comply with section D26-18.01(b) shall comply with such section by July fourteenth, nineteen hundred seventy-eight. No person shall cause or permit to be occupied for sleeping purposes any room containing such a non-complying heater. Any heater installed in replacement of any such non-complying heater shall comply with all provisions of article eighteen. (Subd. amended by L. L. 1977, No. 73, Oct. 6.)
- e. The owner shall not, unless otherwise agreed between owner and tenant, be required to pay for the gas or electricity used by such heaters.
- f. Notwithstanding any provision of prior law, it shall be the duty of the owner to keep each such heater in good repair and good operating condition. regardless of the identity of the person originally owning or installing the heater.
- g. The owner shall instruct each successive tenant of an apartment in which such heaters are installed as to safe and proper method of using and operating such heaters.
- h. The department may make and enforce regulations

supplementary to the provisions of this section and article 18 of this code to secure an adequate supply of heat and hot water and to protect the health and safety of tenants.

ARTICLE 18: Gas Appliances

Section

- D26-18.01 Space and Water Heaters
- D26-18.03 Gas-fired Refrigerators
- D26-18.05 Self-inspection of Gas heaters

Sec. D26-18.01 Space and water heaters

- a. Any gas-fueled space or water heater used in any dwelling unit, in addition to the provisions of section D26-17.09 of this code, shall comply with the provisions of this section and with the regulations of the department.
- b. No person shall install or maintain in any dwelling unit a gas-fueled space or water heater unless the heater obtains combustion air directly from the outside of the building.
- c. No person shall install or maintain a gas-fueled water heater in a room occupied for sleeping purposes, or cause or permit to be occupied for sleeping purposes any room in which a gas-fueled water heater is installed.
- d. No person shall install or maintain in any dwelling unit a gas-fueled water heater so designed and arranged that it heats water in pipe coils placed at a distance from the hot water storage tank.
- e. Every gas-fueled space or water heater shall be approved by the American Gas Association and by the department of health or shall have a certificate of listing issued for the heating unit by the American Gas Association and approved by the department of health. All accessories or control devices for use with such heaters shall have such a certificate of listing.
- f. Each heater shall be equipped with an effective device which will automatically shut off the gas supply to the heater if its pilot light or other constantly burning flame is extinguished, or in the event of an interruption of the gas supply to the heater, and will not permit the heater to be relighted unless such shut-off device is first reset manually.
- g. Each heater shall be rigidly connected to the gas piping supplying gas in the premises.
- h. Each heater shall be connected to a flue or outlet pipe conforming to the provisions of the building code. No heater shall be vented to an inner court. A flue or outlet pipe may be extended to an inner court if the flue or pipe is connected with an outside chimney which conforms with the provisions of the building code.

Sec. D26-18.03 Gas-fired refrigerators

- a. It shall be unlawful to install or furnish for use or to use, operate, or permit to be used or operated in a dwelling any gas-fired refrigerator:
 - (1) which utilizes a water-cooled gas-fired refrigerator unit; or
 - (2) which is not equipped with a flue and flue components wholly composed of a non-metallic material or of molybdenum stainless steel or aluminum; or
 - (3) which is not equipped with a fixed mounted dust incinerating type of gas burner, gas pressure regulator, gas supply filter, and thermostat; or
 - (4) which does not have a properly operating automatic regulating or safety device of a type installed or specified by the manufacturer, or which has a clogged flue, or an improperly operating burner, or which gives off excessive heat or odors or discharges carbon monoxide or is otherwise defective.
- b. Inspectors or other duly authorized representatives of the department may seal any refrigerator which is in violation of this section. Any refrigerator so sealed shall not be installed, used, or operated without the written permission of the department.

Sec. D26-18.05 Self-inspection of gas appliances

The owner shall cause an inspection to be made by a licensed plumber, utility company or other qualified gas service person of each gas-fueled space heater and, in an old law tenement or in any rooming unit, of each gas appliance, at least once a year. The findings on inspection shall be recorded on forms approved by the department and shall be kept on file by the owner for a period of one year. Such inspection reports shall be submitted to the department upon request but shall not be subject to inspection by others or to subpoena, or used in or as the basis of prosecution for the existence of a defect on the date of inspection. (Amended by L. L. 1977, No. 73, Oct. 6.)

ARTICLE 19: Artificial Lighting

Section

- D26-19.01 Duty to Provide Electric Lighting Equipment in all Dwellings
- D26-19.03 Electric Lighting Fixtures in Certain Public Parts of Dwellings; Fixtures and Lights Required
- D26-19.05 Lighting to be Provided at Night Owners Responsibility
- D26-19.07 Lights Near Entrance Ways and in Yards and Courts of Multiple Dwellings

Sec. D26-19.01 Duty to provide electric lighting equipment in all dwellings

The owner shall equip every dwelling for lighting by electricity. He shall provide and maintain light fixtures to provide lighting for all public parts in a dwelling, including the means of

egress, for every room, water-closet compartment and bathroom in every dwelling unit, and for every water-closet without the dwelling unit. In addition to required light fixtures, the owner shall install and maintain such receptacle outlets as may be required by the electrical code. Except as otherwise provided in this code or in the electrical code, the owner may substitute an additional receptacle outlet for a required light fixture in living rooms other than kitchens.

Sec. D26-19.03 Electric lighting fixtures in certain public parts of dwellings; fixtures and lights required

- a. In every multiple dwelling and tenant-occupied two-family dwelling the owner shall provide electric lighting fixtures for every public hall, stair, firestair and fire tower on every floor, in accordance with the following requirements:
 - (1) If an incandescent lighting fixture is provided, it shall be capable of providing illumination of at least ten watts per 25 square feet of floor-area or fraction thereof. Each lighting fixture shall be provided with one or more lights of a total of not less than 60 watts. Where, under this requirement, the number of watts per fixture would exceed 100, one or more additional fixtures shall be provided and shall be located as may be prescribed by the department, except where the distance from the fixture to the furthest intersecting wall does not exceed 20 feet.
 - (2) If a fluorescent lighting fixture is provided, it shall be capable of providing illumination of at least four watts cool white fluorescent light per 25 square feet of floor-area or fraction thereof. Each lighting fixture shall be provided with one or more lights of a total of not less than 20 watts. Where, under this requirement, the number of watts per fixture would exceed 40, one or more additional fixtures shall be provided and shall be located as may be prescribed by the department, except where the distance from the fixture to the farthest intersecting wall does not exceed 20 feet.
 - (3) In every multiple dwelling hereafter erected, in addition to other lighting requirements, a sufficient number of incandescent or fluorescent fixtures shall be provided so that the distance between fixtures is not more than 30 feet and so that no wall is more than 15 feet distant from a fixture.
- b. The department may approve electric lighting for public halls, stairs, fire-stairs and fire towers other than the incandescent and fluorescent lighting required in subsection (a) if such other method of electric lighting provides equivalent illumination, and meets the requirements of the electrical code.
- c. Notwithstanding any other requirement of this section, the department may require fixtures to be so located, and additional fixtures to be installed, in order to assure that every part of every public hall, stair, fire-stair or fire tower is adequately lighted.

Sec. D26-19.05 Lighting to be provided at night; owner's responsibility

- a. The owner of a multiple dwelling shall turn on all required

lights in every public hall and stair at sunset every day and shall keep them on until sunrise the day following.

- b. The owner of a multiple dwelling shall keep all required lights burning continuously (1) in every fire-stair and fire tower; (2) in every stair and public hall where there is no window opening on a street, court, yard, space above a setback, or on a shaft; and (3) in every stair and public hall where there is a window which in the opinion of the department does not provide adequate natural light.
- c. The owner of a multiple dwelling shall provide electric light at all hours of the day and night in rooms or spaces in multiple dwellings in which laundry equipment is provided for the common use of the occupants whenever natural light is insufficient in the opinion of the department.
- d. The owner of a multiple dwelling shall install and maintain in working condition a lighting fixture that can be turned on by a tenant or by the mail carrier directly over a mail box or other receptacle for mail if the natural light in the public hall is not sufficient to read the names on each mail box or receptacle.
- e. The owner of a multiple dwelling shall not be responsible if any required light becomes extinguished and remains so if he can show to the satisfaction of the department or the court that it became and remained extinguished without his knowledge or consent.

Sec. D26-19.07 Lights near entrance ways and in yards and courts of multiple dwellings

- a. The owner of a multiple dwelling shall install and maintain one or more lights at or near the outside of the front entrance way of the building which shall in the aggregate provide not less than 50 watts incandescent illumination or its equivalent for a building with a frontage up to 22 feet, and 100 watts incandescent illumination or its equivalent for a building with a frontage in excess of 22 feet. In the case of a multiple dwelling with a frontage in excess of 22 feet and front entrance doors with a combined width in excess of five feet, the owner shall install at least two lights, one on each side of the entrance way, with an aggregate illumination of 150 watts incandescent illumination or its equivalent. If the minimum level of illumination is maintained, the owner may determine details of location, design and installation of lighting fixtures, subject, however, to regulations of the department with respect to the maximum height above or distance from the entrance way of such fixtures, and the electrical and other safety of their installation. The lights required by this subsection shall be kept burning from sunset on each day to sunrise on the day following.
- b. The owner of a multiple dwelling shall install and maintain in every yard and court one or more lights of at least 40 watts of incandescent illumination or its equivalent, in such locations as the department may prescribe. The lights required by this subsection shall be kept burning from sunset on each day to sunrise on the day following.

ARTICLE 20: Protective Devices and Fire Protection

Section

- D26-20.01 Peepholes
- D26-20.03 Mirrors in Elevators
- D26-20.05 Locks in Dwelling Unit Doors
- D26-20.07 Fire Protection in Certain Old Law Tenements

Sec. D26-20.01 Peepholes

In every dwelling the owner shall provide and maintain a peephole in the entrance door of each dwelling unit. Such peephole shall be located, as prescribed by the department, in such a place that the person in each dwelling unit may view from the inside any person immediately outside the entrance door. However, such peephole need not be installed in any tenant-occupied one- or two-family home where it is possible to see from the inside any person immediately outside the entrance door. This section shall not apply to hotels, apartment hotels, college or school dormitories, or owner-occupied dwelling units in one- and two-family homes.

Sec. D26-20.03 Mirrors in elevators

The owner of a multiple dwelling in which there are one or more self-service elevators shall affix and maintain in each such elevator a mirror which enables persons to view its interior before entering the same. The mirror shall meet such requirements as the department shall by regulation prescribe.

Sec. D26-20.05 Locks in dwelling unit doors

- a. The owner of a dwelling shall provide a key lock in the entrance door to each dwelling unit and at least one key. In a class A multiple dwelling such door shall be equipped with a heavy duty latch set and a heavy duty dead bolt operable by a key from the outside and a thumb-turn from the inside.
- b. Each dwelling unit entrance door in a Class A multiple dwelling shall also be equipped with a chain door guard so as to permit partial opening of the door. (Amended by L. L. 1971, No. 8, Jan. 22, eff. March 31.)

Sec. D26-20.07 Fire protection in certain old law tenements

- a. In every old law tenement which is less than four stories in height:
 - (1) Every door opening into any entrance hall or stair, or into any public hall connected therewith, shall be self-closing; every glazed opening or glazed panel in such a door shall be glazed with wire glass, and every transom opening upon any public hall shall be glazed with wire glass firmly secured in a closed position; and
 - (2) Every interior sash, or opening other than a door, in the walls or partitions of any such hall, and every window in any such hall not opening to the outer air, shall be removed and the openings closed up and fire-retarded, and
 - (3) The ceiling of the cellar, or if there is no cellar, of the basement or other lowest story, shall be fire-

retarded unless such ceiling already has been plastered or covered in a manner satisfactory to the department with plaster board or gypsum board at least one-half inch in thickness.

- b. In every old law tenement which is four stories or more in height:
- (1) On all stories above the third story, every apartment door opening into any stair or into any public hall connected therewith, unless such stair or public hall is protected by an approved sprinkler system shall have a fire resistance rating of at least one hour. Existing door frames in good condition may be retained. All such doors shall comply with this requirement, not later than six months after the effective date of this local law.
 - (2) For all stories below the fourth story, any application for an alteration permit for alterations to be made in an apartment below the fourth story shall include the provision that every door of such apartment opening into any entrance hall, stair or into any public hall connected therewith, unless such entrance hall, stair or public hall is protected by an approved sprinkler system, shall have a fire resistance rating of at least one hour. Existing door frames in good condition may be retained.
 - (3) Where apartment doors having a fire resistance rating of at least one hour are required, every transom opening upon any entrance hall, stair or public hall connected therewith shall be sealed and fire-retarded. All other transoms opening upon any entrance hall, stair or public hall connected therewith shall be glazed with wire glass and permanently sealed in a closed position.
 - (4) All doors opening into any entrance hall, stair or into any public hall connected therewith shall be self-closing; every glazed opening or glazed panel in such a door shall be glazed with wire glass. (Amended by L. L. 1971, No. 11. Jan. 25; L. L. 1973, No. 17, May 2.)

Sec. D26-20.08 Duties of owner and occupant with respect to installation and maintenance of smoke detecting devices in class A multiple dwelling.

- a. It shall be the duty of the owner of a class A multiple dwelling which is required to be equipped with smoke detecting devices pursuant to sub-article 1705.0 of article seventeen of title C of chapter twenty-six of this code to:
- (1) Provide and install one or more approved and operational smoke detecting devices in each dwelling unit. Such devices shall be installed in accordance with the requirements of Reference Standard 17-12.
 - (2) Post a notice in a form approved by the commissioner in a common area of the building informing the occupants of such building that the owner is required by law to install one or more approved and operational smoke detecting devices in each dwelling unit in the building and that each occupant is responsible for the maintenance and repair of such devices and for replacing any or all such devices which are stolen, removed, missing or rendered inoperable during the

occupancy of such dwelling unit.

- (3) Replace any smoke detecting device which has been stolen, removed, missing or rendered inoperable during a prior occupancy of the dwelling unit and which has not been replaced by the prior occupant prior to the commencement of a new occupancy of a dwelling unit.
 - (4) Replace within thirty calendar 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 dwelling unit.
 - (5) Keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices in the building and make such records available to the commissioner upon request.
- b. Notwithstanding the provisions of subdivision a of Section D26-10.01 of this code and subdivision c of Section D26-10.03 of this code, it shall be the sole duty of the occupant of each dwelling unit in a class A multiple dwelling in which a smoke detecting device has been provided and installed by the owner pursuant to the provisions of sub-article 1705.0 of article seventeen of title C of chapter twenty-six of this code to:
- (1) keep and maintain such device in good repair; and
 - (2) replace any and all devices which are either stolen removed missing or rendered inoperable during the occupancy of such dwelling unit.
- c. Except as otherwise provided in paragraphs (3) and (4) of subdivision a of this section an owner of a class A multiple dwelling who has provided and installed a smoke detecting device in a dwelling unit pursuant to this section shall not required to keep and maintain such device in good repair or to replace any such device which is stolen removed missing or rendered inoperable during the occupancy of such dwelling unit.
- d. The occupant of a dwelling unit in which a battery-operated smoke detecting device is provided and installed pursuant to this section shall reimburse the owner a maximum of ten dollars for the cost of providing and installing each such device. The occupant shall have one year from the date of installation to make such reimbursement. (Added by L. L. 1982 No. 62. July 27)

Sec. D26-20.09 Duties of owner with respect to installation and maintenance of smoke detecting devices in class B multiple dwellings.

It shall be the duty of the owner of a class B multiple dwelling which is required to be equipped with smoke detecting devices pursuant to sub-article 1705.0 of article seventeen of title C of chapter twenty-six if this code to:

- (1) provide and install one or more approved and operational smoke detecting devices in each dwelling unit or, in the alternative, provide and install a line-operated zoned smoke detecting system with central annunciation and central office tie-in for all public corridors and public spaces, pursuant to rules and regulations promulgated by the

commissioner of buildings

- (2) keep and maintain smoke detecting devices in good repair.
- (3) replace any smoke detecting device which has been stolen, removed, missing or rendered inoperable prior to the commencement of a new occupancy of a dwelling unit
- (4) keep such records as the commissioner shall prescribe relating to the installation and maintenance of smoke detecting devices in each dwelling unit and make such records available to the commissioner upon request (Added by L. L. 1981, No. 62, July 27.)

ARTICLE 21: Miscellaneous Services and Facilities

Section

- D26-21.01 Mail Service
- D26-21.03 Floor Signs
- D26-21.05 Street Numbers
- D26-21.07 Inspection of Required Sprinklers in Converted Dwellings and Dwellings Used for Single Room Occupancy
- D26-21.09 Maintenance of Rooming Units

Sec. D26-21.01 Mail service

The owner of a multiple dwelling shall either:

- (1) arrange for mail to be delivered to himself, his agents, or employees for prompt distribution to the occupants, or
- (2) provide and maintain approved mail receptacles and directories of persons living in the dwelling, as provided by federal law and by the regulations of the post office department.

Sec. D26-21.03 Floor signs

The owner of a multiple dwelling more than two stories in height shall post and maintain a sign, of sufficient size to be readily seen, which states the number of the floor. Such signs shall be located in the public hall near the stairs and elevator, and within any stair enclosure.

Sec. D26--21.05 Street numbers

The owner of a dwelling shall post and maintain street numbers on the dwelling, which are plainly visible from the sidewalk in front of the dwelling, in accordance with section 82(3)-1.0 of the administrative code and the rules and regulations issued by the borough presidents thereunder.

Sec. D26-21.07 Inspection of required sprinklers in converted dwellings and dwellings used for single room occupancy

- a. In every converted dwelling, or in every tenement used, in whole or in part, for single room occupancy in which a sprinkler system has been installed pursuant to the requirements of the multiple dwelling law, the owner shall

have an annual test and inspection of such sprinkler system made by a licensed plumber or sprinkler system contractor.

- b. For the purposes of such test. the owner shall provide an angle hose valve or sill cock threaded on the outlet side for standard garden hose couplings at the extreme end of the highest line of sprinklers. A piece of garden hose ten feet in length with female coupling shall be kept on the premises. There shall be available for use by the tester a pail of at least ten quarts capacity.
- c. The person conducting the inspection shall perform the following tests:
 - (1) obtain and record the static pressure at the test valve by means of a hydraulic gauge.
 - (2) connect the test hose to the test valve and drain off into a pail or other suitable receptacle not less than ten quarts of water to insure that the system is operative and that there is a full and free flow of water
 - (3) check the valve on the main supply to the system making certain the valve is fully open and sealed in such open position.
 - (4) check the system to insure that all sprinkler heads are in place, and shall incorporate in his report the findings
- d. The owner, resident manager or janitor shall witness the test.
- e. A report of the test, signed by the tester and witness, shall be filed, within ten days thereafter, with the superintendent of buildings for the borough in which the dwelling is located; and a copy of such report shall be kept on the premises in the care of the owner, resident manager or janitor.
- f. If the system is found defective, the owner or his authorized agent shall notify the fire commissioner through the local firehouse and the superintendent within 24 hours after the test, and shall promptly cure such defect.

Sec. D26-21.09 Maintenance of rooming units

A manager, who may be the owner, shall reside in every rooming house or multiple dwelling used for single room occupancy, except that two adjoining or connected rooming houses may be under the same supervision. The manager shall be responsible for the operation and maintenance of the dwelling.

ARTICLE 22: Janitorial Services

Section

- D26-22.01 Definitions
- D26-22.03 Obligations of Owner
- D26-22.05 Residence of Person Performing Janitorial Services; Limitation on Number of Dwelling Units Served
- D26-22.07 Certification of Competency
- D26-22.09 Exemption of New York City Housing Authority

Sec. D26-22 01 Definitions

When used in this article:

- (a) Janitorial services means: cleaning and maintenance, including the making of minor repairs; the furnishing of heat and hot water, where supplied from a central source; the removal of garbage, refuse, ashes and wastes from the premises; and the removal of snow, ice, dirt and other matter from the sidewalk and gutter.
- (b) Janitor means a person employed to perform janitorial services.

Sec. D26-22.03 Obligations of owner

- a. The owner of a multiple dwelling shall provide adequate janitorial services.
- b. In a multiple dwelling of nine or more dwelling units, the owner shall either:
 - (1) perform the janitorial services himself, if he is a resident owner; or
 - (2) provide a janitor; or
 - (3) provide for janitorial services to be performed on a 24-hour-a-day basis in a manner approved by the department.
- c. The owner of a multiple dwelling or his managing agent in control shall post and maintain in such dwelling a legible sign, conspicuously displayed, containing the janitor's name, address (including apartment number) and telephone number. A new identification sign shall be posted and maintained within five days following a change of janitor. (Subd. c amended by L. L. 1978, No. 28, Sept. 14.)

Sec. D26-22.05 Residence of person performing janitorial services; limitation on number of dwelling units served

The person who performs janitorial services for a multiple dwelling of nine or more dwelling units (other than where janitorial services are performed on a 24-hour-a-day basis under section D26-22.03 (b)(3) shall reside in or within a distance of one block or 200 feet from the dwelling, whichever is greater, unless the owner resides in the multiple dwelling. Where two or three multiple dwellings are connected or adjoining, it shall be sufficient, however, that the person who performs janitorial services resides in one of these, but no person who performs janitorial services for more than one multiple dwelling may service more than 65 dwelling units. Regardless of residence the janitor must have a telephone where the janitor may reasonably be expected to be reached. (Amended by L. L 1978, No. 28, Sept. 14.)

Sec. D26-22.07 Certification of competency

- a. Except as provided in subsection (b), the owner who is required to employ a janitor shall certify in writing to the department that his janitor is competent to perform

janitorial services required to be performed by this article in a competent fashion and is capable of operating the incinerator and the furnace, boiler and other machinery that provides central heat and hot water. The owner shall submit a new certificate of the janitor's competency to the department no later than 60 days after hiring a new janitor.

- b. No such certification shall be required concerning a janitor who has satisfactorily completed a course of not less than 15 hours given or approved by the department of buildings in the basic skills required for the performance of janitorial services. Such course should include, but need not be limited to, instruction on operation of the central heating plant; replacement of the smoke pipe from the furnace to the chimney; and the making of necessary minor repairs, such as replacement of washers and water faucets. Courses approved by the department of buildings may be offered by a school, association, labor union or other public agency.
- c. This section shall become effective one year following the enactment of this code.

Sec. D26-22.09 Exemption of New York city housing authority

The provisions of this article shall not be applicable to the New York city housing authority

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