

Article 131 Buildings

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§131.01 Scope and applicability. This Article shall apply to all occupied commercial and residential buildings unless otherwise specified.

§131.03 Definitions

When used in this Article, the following terms shall have the following meanings.

- (a) *Child-occupied premises* shall mean a building or part of a building used as a residence for persons under eighteen (18) years of age, or in which child care or educational services are provided to such persons.
- (b) *Commercial building* shall mean any building or part thereof in which a business, occupation, or trade is conducted but shall not mean a building that is registered with HPD in accordance with §§27-2097ff of the Administrative Code or any successor provision.
- (c) *Dry cleaning facility* shall mean any building or part of a building in which dry cleaning equipment using perchloroethylene is used.
- (d) *Dust* shall mean the solid particles generated by means such as handling, crushing, grinding, and rapid impact of materials such as rock, metal, and wood.
- (e) *Fumes* shall mean the airborne particles formed from the condensation of a volatilized solid.
- (f) *Gas* shall mean the state of a substance in which it can expand indefinitely and completely fill its container.
- (g) *Multiple dwelling* shall mean a residential building consisting of three or more dwelling units, rooms or apartments.
- (h) *Nuisance* shall mean any condition dangerous to life or detrimental to health, as defined in §17-142 of the Administrative Code or any successor provision.
- (i) *Vapor* shall mean the gaseous form of a substance that is normally in a solid or liquid state at room temperature and pressure.

§131.05 Duty; responsibility for violations.

- (a) *Duty.* The owner, manager, agent, lessee, tenant, occupant or other person who manages or controls all or part of a building shall operate such building or part thereof in a safe condition and in a manner that maintains the structural integrity, prevents infestation by pests, and provides heat, ventilation and lighting in accordance with this Code and other applicable law, and shall not create or allow to exist in such building any nuisance or other condition dangerous to the life or health of occupants, invitees or members of the public who are within such building or in or on premises adjacent to such building.
- (b) *Violations.* The owner, manager, agent, lessee, tenant, and occupants of a building shall be jointly and severally liable for the existence in such building of a nuisance, or condition dangerous to life or health, or a violation of any provision of this article, insofar as they have the power to prevent or abate such condition or violation. Such persons shall comply with an

order of the Commissioner or the Department, or of HPD, DOB, DEP or DOS, to remove any nuisance, or dangerous or unsanitary condition.

§ 131.07 Heating.

- (a) Any person who contracts to supply heat to a building or any part thereof shall furnish heat to every occupied portion of such building so that the minimum temperatures prescribed by subdivision (c) of this section are maintained during the times specified therein. The provisions of this section shall not apply to a building used for trades, businesses or occupations in which a lower temperature is essential and unavoidable.
- (b) Any owner, agent, lessee, superintendent or janitor of a building who has under her or his control a furnace, boiler or other heating device or equipment in such building shall be deemed to have contracted to supply heat pursuant to subdivision (a) of this section unless otherwise provided by written contract or lease. An owner, agent, lessee, superintendent or janitor who is required by this section to provide heat shall be liable for failure to comply with this section.
- (c) Unless otherwise provided by written contract or lease, or as provided by applicable law, including this Code, the minimum temperatures required by subdivision (a) of this section shall be maintained as follows:
 - (1) In a dwelling, during the months between October first and May thirty-first between the hours of six a.m. and ten p.m.: a temperature of at least 68 degrees F when the outside temperature falls below 55 degrees F (12.78 degrees C) and during the hours between 10 p.m. and 6 a.m. a temperature of at least 55 degrees F (12.78 degrees C) whenever the outside temperature falls below 40 degrees F (4.44 degrees C); and
 - (2) In any other building, except for buildings in which educational, nutritional, geriatric, social, mental health, health care or similar services are provided directly to recipients when such services are being provided, a temperature of at least 65 degrees F (18.33 degrees C) shall be maintained when the outside temperature falls below 50 degrees F (10 degrees C) during the usual working hours of the occupants.
- (d) The owner, agent, lessee, superintendent or janitor of (1) a one- or two- family home which is occupied in whole or in part by a tenant or tenants and in which there was within the previous year a violation of subdivision (a), (b) or (c) of this section due to a breakdown in the heating system; or (2) a multiple dwelling shall ensure that the furnace, boiler or other heating equipment under her or his control in such building is inspected by a qualified person between May first and October first of each year. In addition to testing the efficiency of the heating system to produce the heat required by this section, 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 DOB within 15 days following the inspection and shall be kept on file by the owner for a period of one year. Such inspection reports shall be made available upon request to authorized employees or agents of DOB, HPD and the Department. All defects found upon inspection shall be corrected prior to the fifteenth day of October of the year in which the inspection was conducted.

§131.09 Commercial buildings. Any person whose duty it is to maintain a commercial building in a safe condition shall equip such building as follows and provide the following services:

- (a) *Lighting.* All parts of such building shall be adequately lighted by natural or artificial means so as to enable any activity in such building to be carried on safely and to permit effective inspection and cleaning.
- (b) *Ventilation.* All parts of such building shall be adequately ventilated by natural or artificial means so as to be free from harmful heat, dust, fumes, vapors or gases and, except in refrigerators and hardening rooms, condensate.

- (c) *Plumbing.* Plumbing and plumbing fixtures, including the water supply system, fixture traps, soil, waste, storm water drainage and vent pipes, drains, sewers, and all devices connected thereto within or adjacent to the building shall be properly connected, vented, drained, installed and maintained in good repair, and shall not contaminate the building's potable water supply. Water supply outlets and connections to water supply fixtures or appliances shall be protected from back-flow into the water system.
- (d) *Water; toilets, hand wash and utility sinks.*
 - (1) Potable water shall be supplied under adequate pressure in quantities sufficient for drinking and sanitary needs of occupants.
 - (2) A sufficient number of hand wash sinks with running hot and cold water, liquid soap and individual disposable towels or mechanical drying devices shall be provided.
 - (3) A sufficient number of utility sinks of adequate size, with running water, shall be provided and shall be readily accessible to the areas where they are required for the washing of equipment or the building. Running hot water required for cleaning and sanitation, and when otherwise required by the Department, shall be provided.
 - (4) A sufficient number of toilet facilities shall be provided for the use of employees. Toilet facilities shall be equipped with the minimum number of water closets, urinals and other plumbing fixtures required by Chapter 4 of the New York City Plumbing Code, Administrative Code §28-PC 403, or successor law. Such toilets shall be properly flushed and trapped, conveniently located, adequately lighted and ventilated, and kept in a sanitary manner and in good repair.
- (e) *Floors.* Floors shall be constructed of smooth, non-slip, hard materials, and kept clean and in good repair. When building use results in wet floors or requires frequent flushing of floors, floors shall be constructed of smooth cement, tile laid in cement, or other hard non-absorbent, watertight material; shall be graded and drained to properly trapped drains; and junctures formed by the wall and floor shall be covered with waterproof material that shall extend to a point at least six inches above the floor.
- (f) *Walls and ceilings.* Walls and ceilings shall be constructed of hard materials, kept clean and in good repair. When uses of the building create steam or vapor, or when required by the Department, walls and ceilings shall be constructed of smooth cement, glazed tile, glazed brick or other non-absorbent material.
- (g) *Cleanliness and repair.* Such buildings shall be regularly cleaned and kept clean and in good repair, and shall not be allowed to become overcrowded so as to impair the safety of operations or effectiveness of cleaning.
- (h) Nothing in this section shall be interpreted as interfering with or prohibiting any private contract, lease, agreement or other arrangement between an owner, manager, tenant or occupant concerning their respective obligations to equip a building or provide the services required by this Code.

§131.11 Posting signs.

- (a) *Owner information in residential rental buildings and units.* Except for the New York City Housing Authority, owners of all residential buildings, and owners of residential rental units in one-and two- family houses, cooperatives and condominiums, who are not required to post certificates of inspection pursuant to the rules of HPD (28 RCNY §25-241, or any successor rule), shall post a sign in each building or individual rental unit owned, as applicable, containing the premises address; name and address of owner or managing agent for such building or unit; and a telephone number which tenants or occupants may call for service and repairs.
- (b) *Signs to be maintained.*
 - (1) Signs required by this section shall be printed on a durable metal or plastic base, and shall be lettered in a size, form and color that is easily readable. When appropriate, such signs

- shall be translated into languages other than English that will be understood by the majority of tenants and other persons residing in or visiting a building.
- (2) Signs shall be replaced when defaced or in disrepair. Except when it is necessary to replace a sign, no person shall remove, mutilate, destroy or obliterate such sign or its lettering.
 - (3) In addition to employees of the Department, this section may be enforced and notices of violation issued by employees of HPD, DOB, or any successor agencies.

§131.13 Control of unsafe conditions.

- (a) *Contaminants.* When activities conducted within a building result in the production of contaminants that the Department determines are harmful to public health, the Department may order the owner or person in control of the building to take such measures that the Department determines are necessary to eliminate or reduce such conditions so that they are no longer harmful to the public health.
- (b) *Ventilation.* When required by the Department mechanical ventilating systems, devices for the control of dust, gases, vapors and fumes, abatement devices, or other means of reducing conditions dangerous to health shall be installed and maintained in a building or surrounding premises by persons in control of such building or premises.
- (c) *Discarding refrigerators.* Every person who discards a refrigerator shall remove the refrigerator door, locking device or hinges before placing the refrigerator on the street for collection by DOS or other waste removal service.

§131.15 Window guards.

- (a) *Window guards required.*
 - (1) The owner, manager, lessee, agent or other person who manages or controls a multiple dwelling, including, but not limited to, owners of condominium units and the board of directors of a cooperative, shall provide, install, and maintain, a window guard of a type and installation in accordance with the specifications of the Department set forth in Chapter 12 of Title 24 of the Rules of the City of New York, on the windows of each apartment in which a child or children ten (10) years of age and under reside, and on the windows, if any, in the public halls of a multiple dwelling in which such children reside.
 - (2) This section shall not apply to windows giving access to fire escapes or to a window on the first floor that is a required means of egress from the dwelling unit. It shall be the duty of each such person who manages or controls a multiple dwelling to ascertain whether such a child resides therein, in accordance with the notice requirements of the Department in Chapter 12 of Title 24 of the Rules of the City of New York.
- (b) *No refusal of window guards by occupant.* No tenant or occupant of a multiple dwelling unit, or other person, shall obstruct or interfere with the installation of window guards required by subdivision (a) of this section, nor shall any person remove such window guards.
- (c) *No refusal to install by owners.* No owner, manager, lessee or other person who manages or controls a multiple dwelling shall refuse a written request of a tenant or occupant of a multiple dwelling unit, to install window guards regardless of whether such is required by subdivision (a), except that this section shall not apply to windows giving access to fire escapes.
- (d) *Declaration of nuisance.*
 - (1) Failure to install or maintain window guards pursuant to this section is hereby declared to constitute a nuisance and a condition dangerous to life and health, pursuant to §17-145 of the Administrative Code.
 - (2) Every person obligated to comply with the provisions of subdivision (a) of this section is hereby ordered to abate such nuisance by installing and maintaining required window guards.

- (3) Whenever a nuisance or condition is found to exist in violation of this section, the Department may order the person or persons obligated to install and maintain window guards to do so. In the event such order is not complied with within five (5) days after service of such order, the Department may request an agency of the City to execute such order pursuant to the provisions of §17-147 of the Administrative Code and shall be entitled to enforce its rights for reimbursement of expenses incurred thereby, pursuant to the provisions of Chapter 1, Title 17 of the Administrative Code. If such order is executed by HPD, or its successor agency, the expense of execution may be recovered by such agency pursuant to subchapter five of chapter two of Title 27 of the Administrative Code.
- (e) *Enforcement by Department of Housing Preservation and Development.* Orders to install or repair window guards in multiple dwellings required by this section and any rules of the Department may be issued by the Commissioner and by HPD or any successor agency on behalf of the Commissioner.

§131.17 Dry cleaning facilities.

- (a) *Perchloroethylene emissions.* Dry cleaning facilities shall exhaust emissions from equipment using perchloroethylene so that no perchloroethylene vapors in excess of the nuisance level specified in subdivision (b) of this section enter co-located or adjacent dwellings, child-occupied facilities, or other occupied premises through windows, ventilation systems, or building structural penetrations.
- (b) *Nuisance level.* Detection of perchloroethylene vapors from dry cleaning facilities in dwellings, child-occupied facilities, or other occupied premises at levels at or above 30 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) shall constitute a nuisance.
- (c) *Remediation orders.* The Department may order the operators of such facilities to evaluate and correct problems when deemed necessary to prevent or remediate such nuisance.

§131.19 Modification by Commissioner.

When the strict application of any provision of this article presents practical difficulties or unusual hardships, the Commissioner, in a specific instance, may modify the application of such provision consistent with the general purpose of this article and upon such condition as, in his or her opinion are necessary to protect life and health. The denial by the Commissioner of a request for modification may be appealed to the Board in the manner provided pursuant to §5.21 of this Code.