



DEPARTMENT OF BUILDINGS

EXECUTIVE OFFICES
60 HUDSON STREET, NEW YORK, NY 10013

CHARLES M. SMITH, Jr., R.A., Commissioner

ISSUANCE # 106

GEORGE E. BERGER, P.E.
Assistant Commissioner
Building Construction

TECHNICAL
POLICY & PROCEDURE NOTICE # 8/88

TO: BOROUGH SUPERINTENDENTS

FROM: George E. Berger, P.E. *GB*
Assistant Commissioner

DATE: May 23, 1988

SUBJECT: LOCAL LAW 58/87 - CLARIFICATIONS

-
1. Maximum Depth of Kitchen Sinks in Multiple Dwellings
RS 4-6, Section 4.32.5.5
 2. Cooperative and Condominium Apartments
Section 27-292.8
 3. Stairs - Treads and Risers
RS 4-6, Section 4.9.2
 4. Bathrooms - Figure 53(A) and Figure 53(B)
RS 4-6, Section 4.32.4.8
 5. Maneuvering Clearances at Doors
RS 4-6, Section 4.13.6, Figure 25
 6. Minimum Sized Adaptable Kitchen
RS 4-6, Figure 55
 7. Deep Closed Ended Galley Kitchens and Other U-Shaped Kitchens
RS 4-6, Section 4.32.5.1
 8. Undercounter Areas in Kitchens
RS 4-6, Section 4.32.5.
 9. Overhead Kitchen Cabinets
RS 4-6, Section 4.32.5.10(1)

10. Removal of Dishwasher to Make Unit Usable
RS 4-6, Section 4.32.5.11
11. Accessibility for Non-Grade Ground Floor Dwelling Units
Section 27-292.5
12. Location of Water Closets in Bathrooms
RS 4-6, Section 4.32.4.2
13. * Installation of Refrigerators/Freezers and Dishwashers
RS 4-6, Section 4.32.5.8 and Section 4.32.5.11
14. Changes and Additions On or After September 1, 1987
Local Law 58/87, Section 21
15. Maneuvering Clearances at Doors - Closet Use in Adaptable Dwelling Units.
RS 4-6, Section 4.13.6 Figure 25(a) PULL SIDE

Local Law 58/1987 is applicable whether or not any filing of plans is made with the Department of Buildings. Although the law took effect August 5, 1987, it did not apply to applications for approval of plans filed with the department prior to September 1, 1987. The following is the applicability of certain provisions of the law:

(1) Maximum Depth of Kitchen Sinks in Multiple Dwellings
RS 4-6, Section 4.32.5.5

As required by RS 4-6, Section 4.32.5.5 (kitchen sinks) an adaptable sink is a sink which is replaceable by a tenant and need not have a depth of 6½ inches or less as installed by the owner. The 6½ inch maximum depth of sink requirement is mandatory only when the unit is being made usable. Plumbing for sink must be installed so that the sink may be lowered to be made usable by people with disabilities.

(2) Cooperative and Condominium Apartments
Section 27-292.8

A multiple dwelling is a building containing three or more dwelling units and compliance with Local Law 58 is required regardless of the form of ownership of the apartments, whether cooperative, condominium or rental. If the building is a one or two-family home compliance with Local Law 58 is not required.

(3) Stairs - Treads and Risers
RS 4-6, Section 4.9.2

Section 4.9.2 is not applicable for normal egress stairs of a

building, but is applicable for any stair that is provided as a requirement of Local Law 58 such as:

- 1). Steps in lieu of ramps involving existing buildings when ramps are waived as per Section 27-292.6. When stairs are being replaced with stairs complying with Section 4.9.2, the new stairs may project beyond the street line for a distance of not more than forty-four inches.
- 2). Where a 3'-0" stair is provided under Section 27-292.8(a) (4)(c).

(4) Bathrooms - Figure 53(A) and Figure 53(B)
RS 4-6, Section 4.32.4.8

Reference Standard RS 4-6 Section 4.32.4 sets forth the requirements for a residential bathroom. An amendment to the original ANSI A117.1-1986 provisions, contained in Section 4.32.4.8 added by Local Law 58/87, permits a smaller bathroom of 5'x7'3". The illustration of the minimum bathroom standard shown in Figure 53(A) may apply to both new construction and rehabilitative work. As stated in Section 4.32.4.8, where a bathroom following the floor plan of Figure 53(A) "is not possible to attain, then the arrangement in Figure 53(B) may be acceptable." In new construction minimum conditions as shown in Figure 53(B) are not acceptable since a 53(A) bathroom may be designed or a larger bathroom can be achieved. Where a floor plan such as that shown in Figure 53(B) is proposed in new construction, it must maintain wheelchair clearance of RS 4-6, Section 4.2. In addition, in new construction, the width of such a bathroom would exceed 6'5", since the grab bar support alongside the water closet must be a minimum of 42" long (Figure 47(b)) and the clear opening of the bathroom door must be at least 32".

In rehabilitation of existing buildings, the Figure 53(B) bathroom is not acceptable as a matter of right; Local Law 58/87 says only that it "may be acceptable." Where a Figure 53(A) configuration "is not possible to attain," where a front approach pull side maneuvering clearance is present at doors (RS 4-6 Figure 25(a)) the configuration shown in Figure 53(B) may be approved by a waiver which will include the 42" grab bar support length requirement. However, even then, except in extraordinarily tight surroundings, the wheelchair clearances of RS 4-6 Section 4.2 must be maintained. In particular, this means that there should be a clearance of at least 32"-36" between the tip of the water closet and the plane of the bathroom door (when opened at a right angle) or of the door stop (where the door hinges are mounted on the side of the door frame near the water closet or where a sliding door is used). The room width would vary depending on the length of the water closet used, the thickness of the bathroom door, the width of the door frame and the projection of the wall on which the frame is set.

(5) Maneuvering Clearances at Doors
RS 4-6, Section 4.13.6, Figure 25

If maneuvering clearances at doors cannot be achieved as shown in RS 4-6, Figure 25, an alternative method of maneuvering may be used as per accessible route requirements of RS 4-6, Figure 7(a). For a side approach, hall width may be 36" wide if (1), when the door can be approached from a space in which a wheelchair can turn around, the route from that space to that door is at least 48" long, (2) the clearance in the doorway is at least 36" (measured between the face of the door, open at a right angle, and the closest edge of the stop) (37" when a sliding door is used), (3) the hallway is slightly wider than 36" where the door swings into it (so that the door can open to a right-angle), and (4) there is an unobstructed space inside the door which is at least 48" long and 32"-36" wide.

(6) Minimum Sized Adaptable Kitchen
RS 4-6, Figure 55

The 40" clearance shown in Figure 55 shows a minimum dimension from cabinet front to cabinet front for a shallow galley kitchen (5'-0" maximum depth).

(7) Deep Closed Ended Galley Kitchens and Other U-Shaped Kitchens
RS 4-6 Section 4.32.5.1

In closed ended galley kitchens deeper than 5'-0", as well as in other kitchens with a U-shaped floor plan, a 60" clear space between counters must be provided (RS 4-6, Section 4.32.5.1). In lieu of a 60" clear space a 40" minimum clear space may be provided if a 36" turnaround space under the counter is also provided (RS 4-6, Figure 3(b)).

(8) Undercounter Areas in Kitchens
RS 4-6 Section 4.32.5

There are two undercounter areas (with removable floor cabinets) that are required in all kitchens:

1. A minimum 30" work surface with removable base cabinets as per RS 4-6, Section 4.32.5.4; and
2. A minimum 30" under sink requirement with removable base cabinets as per Section 4.32.5.5.(5)

Two additional undercounter spaces may be required:

3. A minimum 30" adjustable counter space with removable base cabinets next to a non-self cleaning oven as per RS 4-6, Section 4.32.5.7; and
4. A minimum 36" turnaround space under the counter with removable base cabinets, to be used as an alternative to the 60" required clear space between counters in deep closed ended galley kitchens and other U-shaped kitchens (RS 4-6, Section 4.32.5.1 and Figure 3(b)).

To achieve the 36" turnaround space (#4), a 30" space under an adaptable counter required in #1 or #3 may be combined with an adjacent 6" of unobstructed space under an adaptable counter in which a sink is mounted (#2) (when the sink is not above that 6" space). However, no obstruction other than a removable base cabinet may be placed under any of these spaces when they are designed for more than one of these purposes. For example, RS 4-6 Section 4.32.5.11 permits the installation of a dishwasher under the 30" work surface (#1); however, when this space is designed to accept a dishwasher, it cannot be shared with the 36" turnaround space (#4). Similarly, the oven cleaning space (#3) cannot share a space which may be blocked by a dishwasher.

(9) Overhead Kitchen Cabinets
 RS 4-6, Section 4.32.5.10 (1)

All overhead kitchen cabinets above counter tops (including sinks, but excluding stoves and cooktops as well as over passthrough openings) must be so installed so that the person with a disability who occupies the dwelling unit may lower the cabinet so that the top of the lowest shelf is no higher than 48" above the finished floor as per RS 4-6, Section 4.32.5.10(1).

(10) Removal of Dishwasher to Make Unit Usable
 RS 4-6, Section 4.32.5.11

Section 4.32.5.11 does not permit use of the space under a work surface for installation of a dishwasher when that space is designed to be the space needed next to a non-self-cleaning oven (Section 4.32.5.7) or to provide part of the minimum 36" turnaround space.

(11) Accessibility for Non-Grade Ground Floor Dwelling Units
 Section 27-292.5

Entrances to ground floor dwelling units, including those entered at a level above or below grade, shall be accessible as per Section 27-292.5. Accessibility may be provided by a ramp with a slope no greater than 1:12.

(12) Location of Water Closets in Bathrooms
RS 4-6, Section 4.32.4.2

Water closets in dwelling units shall be located in the corner of a bathroom as per RS 4-6, Section 4.32.4.2 and Figure 47 and also Figures 53 and 54.

(13) Installation of Refrigerators/Freezers and Dishwashers
RS 4-6, Section 4.32.5.8 and Section 4.32.5.11

Until receipt by the Department of Buildings of a complaint of non-compliance, the submission of a sworn and notarized statement made by the owner of a dwelling unit certifying as to the inclusion of the following provisions in the residential lease for an adaptable dwelling unit will be considered by the Department of Buildings as demonstrating compliance with RS 4-6 Sections 4.32.5.8 and 4.32.5.11 (second sentence) with respect to that dwelling unit:

REFRIGERATOR/FREEZER:

Adaptability for Persons with Physical Disabilities. Wherever Landlord provides a refrigerator/freezer to Tenant, Tenant has the sole right to specify whether the refrigerator/freezer shall conform to New York City Building Code Reference Standard RS 4-6 Section 4.32.5.8 so as to be usable by all categories of persons having physical disabilities. Landlord must provide a refrigerator/freezer conforming to that requirement at the time Tenant becomes entitled to take occupancy of the premises or within ten (10) days of the date the request is made, whichever is later. Tenant may not require provision of a particular model or type of refrigerator/freezer; Landlord is obligated only to supply one in compliance with Section 4.32.5.8.

[NOTE: In the case of the refrigerator/freezer, the space and electrical connection to receive a complying appliance also would have to be provided. In the case of a usable dwelling unit, the refrigerator/freezer supplied would have to comply at all times.]

DISHWASHER:

Adaptability for Persons with Physical Disabilities. New York City Building Code Reference Standard RS 4-6 Section 4.32.5.11 provides: "In dwelling units where a dishwasher is provided, but where no other space otherwise is available in the kitchen for the installation of a dishwasher, one may be installed under a work surface described in subsection 4.32.5.4; provided that, at the option of a person with a disability residing in the dwelling unit, the dishwasher shall be removed, and the work surface made to conform with said subsection, by and at the sole expense of the owner of the dwelling unit." Tenant and others lawfully residing in the premises are entitled to the benefits of this law; Landlord is "the owner of the dwelling unit."

(14) Changes and Additions On or After September 1, 1987
Local Law 58/87, Section 21

Amendments involving new or changed work and new applications filed on or after September 1, 1987 shall be required to conform with Local Law 58/87 even though the original application for such building was filed before the effective date of this law.

(15) Maneuvering Clearances at Doors - Closet Use in Adaptable Dwelling Units

RS 4-6, Section 4.13.6. Figure 25(a) PULL SIDE

RS 4-6 Section 4.13.6 and Figure 25(a) PULL SIDE require a minimum of 18" of space on the pull, latch side of a swinging door; that space must extend five feet back from pull side of the door. However, under the following limited circumstances, that space may be used for a "flex-space" storage closet in an adaptable dwelling unit. (Such unit may not be intended for use as a temporary residence sponsored or run by a government or private organization. Such closets are not permissible in usable dwelling units (Building Code Section 27-292.9)):

1. The closet must be constructed so that the only thing that would be needed to regain the space for maneuverability is the removal by small common hand tools of the closet doors, floor tracks and shelves; thus there can be:
 - a) no shelves lower than 54" above the finished floor fixed in the closet so as to require removal by more than small common hand tools.
 - b) no wall or partial wall of the closet at a distance closer than 60" from the door to which the space provides access (except the wall in which that door is located).
2. In addition to the "flex-space" closet, the dwelling unit must contain:
 - a) a closet in each bedroom equivalent to one at least 4' wide, 2½' deep and 5' high accessible to a person who uses a wheelchair; and
 - b) non-"flex-space" closets (outside of bedrooms, kitchens, bathrooms and linen closets) accessible to people who use wheelchairs with space at least equal to the cubic footage of the "flex-space" closet.

Studio dwelling units would have to have closet space equal to that described in both 2 a) and b) above.