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## WINDOW GUARD GENERAL INFORMATION

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### OVERVIEW:

Approved window guards are required to be provided, installed and maintained by the owners, managers, or agents of multiple dwellings (three (3) apartments or more), in apartment and public hallway windows where children ten (10) years of age or younger reside. Exceptions are:

1. Windows that provide access to fire escapes.
2. Secondary egress windows in first floor apartments where there are fire escapes on upper floors.

It shall be the duty of each person who manages or controls a multiple dwelling to ascertain whether a child in the protected age category resides therein, and to comply with the requirements of the law accordingly.

### APPROVED WINDOW GUARDS:

1. Approved window guards must be made of rigid metal and be a minimum of 15 inches tall with 3 or more horizontal bars spaced so that they reject the passage of a five (5) inch sphere. Spaces between the horizontal bars should be no more than 4½ inches wide.
2. The Manufacturer's approval number must be imprinted on a vertical stile of the guard. For example: **HDWG # 03-77-15**. The number must be listed on the Approval List of Manufacturers and Model Numbers, distributed by the Department of Health and Mental Hygiene (DOHMH).
3. Guards must be appropriate for the type of window in which they are installed: double hung, casement, slider, etc. When the installation of an approved DOHMH window guard is infeasible for structural reasons, a request for a variance must be submitted in writing for review by the Window Guard Policy and Acceptance Board.
4. A landlord or manager must produce a supporting letter from the Window Guard Policy and Acceptance Board if a variance is claimed as having been granted.

### SELECTIVE INSTALLATION:

Window Guards may not be installed selectively. They must be installed in all windows, including but not limited to windows leading to a terrace or balcony, bathroom windows and first floor apartment windows.

### HALLWAY WINDOWS:

All windows in public hallways and common areas on all floors must be guarded.

### PROPER INSTALLATION:

1. Window guards that have been approved by DOHMH must be firmly and securely fastened into well maintained, sturdy and structurally sound (not rotten) window frames using tamper-proof screws.
2. DOHMH approved guards have a "HDWG #" approval number stamped on the guard, are made of rigid metal, have at least 3 horizontal bars and are at least 15 inches tall.
3. Tamper-proof and "one-way" screws must be used for installing guards. These screws cannot be removed with any ordinary slotted head or Phillips head screw driver.
4. There may be no more than 4½ inches of open, unguarded space anywhere in the window aperture.
5. Approved "stops" must be installed in the tracks of the window so that the lower sash cannot be raised more than 4½ inches above the lower half of the top horizontal bar of the guard. Rigid metal "L" shaped stops or "blocks" must be installed on both sides of the window track to ensure that when the window is open the space between the window guard and the open window is not greater than 4½ inches.

6. If an approved guard is used and there are no open, unguarded spaces greater than 4½ inches when the window is opened fully then no stops are necessary.

### **AIR CONDITIONERS:**

Air conditioners which are installed in a window that would otherwise be required to be fitted with a window guard must be permanently installed. Permanent installation of air conditioners includes the following:

1. The air conditioning unit must be permanently bolted into the window. There shall not be any unguarded spaces greater than 4½ inches on either side of or above the air conditioner. Spaces greater than 4½ inches must be covered with rigid metal panels that can withstand 150 lbs of pressure instead of accordion panels.
2. Two metal “L” shaped stops are to be installed, one in each sash, on either side of the window to prevent any unguarded space above the air conditioner from being greater than 4½ inches. If the air conditioner meets with the lower window panel, “L” shaped stops are not necessary.
3. One-way sheet metal screws or metal tamper resistant screws must be used to anchor the accordion extensions of the air conditioner to the window frame.

### **PURSUANT TO HEALTH CODE SECTION 131.15 (revised 10/2007):**

1. Tenants must advise landlords or management at once, in any written form or by the forms required to be distributed on a yearly basis by the landlord (Appendix B), that they have children in the designated age category and must have window guards provided, installed and maintained.
2. Tenants or occupants must respond to mandated inquiries by their landlords as to their window guard needs.  
**FAILING TO RESPOND IS A VIOLATION OF THE LAW!**
3. If tenants or residents want window guards for any reason, even though they have no resident children in the age group, they should request them in writing and they shall not be refused. For example: Grandparents who have visiting children, parents who have temporary or intermittent custody of a child, or if child-care is provided by the tenant.
4. Tenants may not refuse installation of window guards if they have a resident child 10 years of age or younger. There is no option to this requirement.
5. Tenants or occupants must also provide access and permit installation of guards and stops where required.  
**NOT PROVIDING ACCESS OR ALLOWING INSTALLATION IS A VIOLATION OF THE LAW!**
6. Landlords *may not* impose any type of pre-condition relative to pass-along fees or any other psychological deterrent, preliminary to the installation of window guards.
7. Window Guards may not be removed or modified by the tenant after installation.

The New York State Division of Housing and Community Renewal has established the following scale of a pass-along fee for “rent controlled” and “rent stabilized” apartments which may be imposed **one month after the installation of window guards**: a one time \$10.00 per window guard maximum fee which may be pro-rated or amortized over a period of one year, two years, three years, in equal monthly payments according to the option elected by the tenant. If further information is needed regarding the charge of window guards, please call The New York State Division of Housing and Community Renewal at **(718) 739-6400**.

Tenants who receive public assistance, Section 8 subsidies, are beneficiaries of Senior Citizen Rent Increase Exemptions (SCRIE), Supplemental Security Income (SSI) or State Payment under Section 209 of the Social Service Law, are not required to pay these pass-along fees out-of-pocket. Landlords must provide the tenant with a bill not to exceeding \$10.00 per guard and the tenant should submit the bill to the subsidizing agency. In New York City Housing Authority (NYCHA) buildings or in buildings owned by the New York City Department of Housing Preservation and Development (HPD), there are no pass-along fees.

If window guards have not been installed, or they appear to be improperly installed, are shaky, or have more than 4½ inches of open, unguarded space in between the horizontal bars or above or below the guard, a complaint should be made immediately to the New York City Citizens Service Center at **311**.

If you received a Commissioner’s Order to Abate Nuisance and or a violation and need further assistance, require additional information, want to obtain a copy of the law, including specifications pertaining to window guard installation, or procedures for applying for a variance, the New York City Citizens Service Center at **311**.