

§ 53. **Fire-escapes.** Every fire-escape erected after April eighteenth, nineteen hundred twenty-nine, shall be located, arranged, constructed and maintained in accordance with the following provisions:

1. Access to a fire-escape shall be from a living room or private hall in each apartment or suite of rooms at each story above the entrance story, and such access shall not include any window of a stairhall.

a. Such room or private hall shall be an integral part of such apartment or suite of rooms and accessible to every room thereof without passing through a public hall.

b. When one or more living rooms of any apartment are rented to boarders or lodgers, every such room shall be directly accessible to a fire-escape without passing through a public hall, and for separately occupied living rooms access to fire-escapes shall be direct from such rooms without passing through a public hall or any other separately occupied room, except as may be permitted for dormitories in section sixty-six.

c. Access to any fire-escape shall not be obstructed by sinks or kitchen fixtures or in any other way. Iron bars, grilles, gates, or other obstructing devices on any window giving access to fire-escapes or to a required secondary means of egress shall be unlawful unless such devices are of a type approved by the board of appeals and are installed and maintained as prescribed by the board; provided, however, that in a city having a population of one million or more, such devices shall be of a type approved, installed and maintained as prescribed by the fire commissioner, or as previously approved and prescribed by the board of standards and appeals of such city, except as otherwise provided by said commissioner.

d. Every such fire-escape shall be accessible to one or more exterior doors or windows opening from the room, apartment, suite of rooms or other space which it serves as means of egress, and such window or door shall be two feet or more in clear width and two feet six inches or more in clear height. The sill of any such window shall be within three feet of the floor.

§ 103. **Egress from apartments.** 1. a. Except as provided in paragraph b of this subdivision, there shall be at least one means of egress from each apartment on each and every story of such apartment, and a second means of egress if the first means is not within fifty feet of every living room in such apartment on such story. When two means of egress are required, they shall open from different rooms.

b. In any class A fireproof dwelling or section thereof erected under plans filed in the department after September first, nineteen hundred fifty-one, an apartment occupying parts of not more than two stories shall have at least one means of egress. Such required means of egress shall be not more than forty feet from any room within such apartment and shall open directly upon a public hall. Such public hall shall provide access to at least two fire-stairs. Any stair within an apartment shall be at least two feet six inches in width and a terminus shall be not more than twenty feet from the door which provides the required egress to a public hall, provided, however, that such stair within an apartment shall extend downwards or upwards to the story which provides the required access to at least two fire-stairs. In the event of but one such means of egress, and if the stair within the apartment extends downwards to provide egress to a public hall, there shall be a balcony upon the upper story of the apartment. If, however, such stair extends upwards to provide egress to a public hall, the balcony shall be located on the lower story of the apartment. Such balcony shall provide access from the apartment to a room of an adjoining apartment on the same story. Such balcony shall be constructed of incombustible material and be capable of sustaining a load of at least eighty pounds per square foot. Access to such balcony shall not be obstructed by sinks or kitchen

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fixtures or in any other way, and shall be maintained unobstructed at all times. Bars, gates, grilles or other obstructing devices on any window or door giving access to or egress from such balcony shall be unlawful.

§ 301. **Certificate of compliance or occupancy.** 1. No multiple dwelling shall be occupied in whole or in part until the issuance of a certificate by the department that said dwelling conforms in all respects to the requirements of this chapter, to the building code and rules and to all other applicable law, except that no such certificate shall be required in the case of:

a. Any class B multiple dwelling existing on April eighteenth, nineteen hundred twenty-nine, for which a certificate of occupancy was not required before such date and in which no changes or alterations have been made except in compliance with this chapter, and

b. Any old-law tenement, or any class A multiple dwelling erected after April twelfth, nineteen hundred one, which was occupied for two years immediately before January first, nineteen hundred nine, and in which no changes or alterations have been made except in compliance with the tenement house law or this chapter, or wherein:

(1) two or more apartments are combined creating larger residential units, and

(2) the total legal number of families within the building is being decreased, and

(3) the bulk of the buildings is not being increased

These exceptions shall not be deemed to relieve any owner from the obligation to make every alteration required in any old-law tenement or other multiple dwelling in compliance with the applicable provisions of this chapter.

2. Except as above provided, no dwelling constructed as or altered or converted into a multiple dwelling after April eighteenth, nineteen hundred twenty-nine, shall be occupied in whole or in part until the issuance of a certificate of compliance or occupancy.

§ 302-a. Abatement of rent in the case of serious violations.

1. The provisions of this section shall apply to all cities with a

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population of four hundred thousand or more.

2. a. A "rent impairing" violation within the meaning of this section shall designate a condition in a multiple dwelling which, in the opinion of the department, constitutes, or if not promptly corrected, will constitute, a fire hazard or a serious threat to the life, health or safety of occupants thereof.

are approved by the department; if plans are not filed within said three-months period or if so filed, they are disapproved and amendments are not duly filed within thirty days after the date of notification of the disapproval by the department to the person having filed the plans, the six-months period shall be computed as if no plans whatever had been

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filed under this proviso. If a condition constituting a rent impairing violation exists in the part of a multiple dwelling used in common by the residents or in the part under the control of the owner thereof, the violation shall be deemed to exist in the respective premises of each resident of the multiple dwelling.

§ 302. **Unlawful occupation.** 1. a. If any dwelling or structure be occupied in whole or in part for human habitation in violation of section three hundred one, during such unlawful occupation any bond or note secured by a mortgage upon said dwelling or structure, or the lot upon which it stands, may be declared due at the option of the mortgagee.

b. No rent shall be recovered by the owner of such premises for said period, and no action or special proceeding shall be maintained therefor, or for possession of said premises for nonpayment of such rent.

§ 302. **Unlawful occupation.** 1. a. If any dwelling or structure be occupied in whole or in part for human habitation in violation of section three hundred one, during such unlawful occupation any bond or note secured by a mortgage upon said dwelling or structure, or the lot upon which it stands, may be declared due at the option of the mortgagee.

b. No rent shall be recovered by the owner of such premises for said period, and no action or special proceeding shall be maintained therefor, or for possession of said premises for nonpayment of such rent.

c. During such period the department in charge of water supply shall not permit water to be furnished in any such dwelling or structure and said premises shall be deemed unfit for human habitation, and the department of health or the department charged with the enforcement of this chapter shall cause them to be vacated.

2. The department may cause to be vacated any dwelling or any part thereof which contains a nuisance as defined in section three hundred nine, or is occupied by more families or persons than permitted in this chapter, or is erected, altered or occupied contrary to law. Any such dwelling shall not again be occupied until it or its occupancy, as the case may be, has been made to conform to law.