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WITH

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EDITED BY

WILLIAM J. FRYER



PUBLISHED BY

THE RECORD AND GUIDE

14-16 VESEY ST., NEW YORK

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By CLINTON W. SWEET, 14-16 Vesey St., N. Y.



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The Tenement House Law

OF

THE CITY OF NEW YORK.

CHAP. 334, LAWS OF 1901.

An Act

In relation to tenement houses in cities of the first class.
(i. e., the Cities of New York and Buffalo.)

BECAME A LAW APRIL 12, 1901.

AS AMENDED BY

CHAPTER 555, LAWS OF 1901.

An Act to amend Chapter 334 of the Laws of 1901, entitled "An Act in relation to tenement houses in cities of the first class," in relation to the construction of buildings.

BECAME A LAW APRIL 25, 1901.

CHAPTER I.

DEFINITIONS.

Section 1.

SHORT TITLE AND APPLICATION.

This act may be cited as the Tenement House Act, and its provisions shall apply to cities of the first class.

Section 2.

DEFINITIONS.

Certain words used in this act are defined for the purposes thereof as follows:

MEANING OF A TENEMENT HOUSE.

(1) A tenement house is any house or building, or portion thereof, which is rented, leased, let or hired out, to

be occupied, or is occupied as the home or residence of three families or more living independently of each other, and doing their cooking upon the premises, or by more than two families upon any floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets or privies, or some of them.

[NOTE.—This is the same definition that the several Charter laws of New York have contained for very many previous years and before there was an “Apartment House” erected in New York. The legal definition of a tenement house therefore continues to include all apartment houses.]

MEANING OF A YARD.

(2) A yard is an open unoccupied space on the same lot with a tenement house, between the extreme rear line of the house and the rear line of the lot.

MEANING OF A COURT.

(3) A court is an open unoccupied space, other than a yard, on the same lot with a tenement house.

Inner Court.—A court not extending to the street or yard is an inner court.

Outer Court.—A court extending to the street or yard is an outer court.

Street Court.—If it extends to the street it is a street court.

Yard Court.—If it extends to the yard it is a yard court.

MEANING OF A SHAFT.

(4) A shaft includes exterior and interior shafts, whether for air, light, elevator, dumbwaiter, or any other purpose.

Vent Shaft.—A vent shaft is one used solely to ventilate or light a water closet compartment or bathroom.

MEANING OF A PUBLIC HALL.

(5) A public hall is a hall, corridor or passageway not within an apartment.

MEANING OF A STAIR HALL.

(6) A stair hall includes the stairs, stair landings and those portions of the public halls through which it is necessary to pass in going between the entrance floor and the roof.

MEANING OF A BASEMENT.

(7) A basement is a story partly but not more than one-half below the level of the curb.

MEANING OF A CELLAR.

(8) A cellar is a story more than one-half below the level of the curb.

MEANING OF A FIREPROOF TENEMENT HOUSE.

(9) A fireproof tenement house is one the walls of which are constructed of brick, stone, iron or other hard incombustible material, and in which there are no wood beams or lintels, and in which the floors, roofs, stair halls and public halls are built entirely of brick, stone, iron or other hard incombustible material, and in which no woodwork or other inflammable material is used in any of the partitions, furrings or ceilings.

But this definition shall not be construed as prohibiting, elsewhere than in the stair halls or entrance halls, the use of wooden flooring on top of the fireproof floors or the use of wooden sleepers, nor as prohibiting wooden handrails and hard-wood treads, such as described in section eighteen of this act.

MEANING OF CERTAIN WORDS.

(10) The word shall is always mandatory, and not directory, and denotes that the house shall be maintained in all respects according to the mandate, as long as it continues to be a tenement house.

(11) Wherever the words, charter, ordinances, regulations, department of buildings, department of health, department of water supply, fire department, corporation counsel, city treasury or fire limits occur in this act they shall be construed as if followed by the words "of the city in which the tenement house is situated."

Section 3.

BUILDINGS CONVERTED OR ALTERED.

A building not erected for use as a tenement house, if hereafter converted or altered to such use, shall thereupon become subject to all the provisions of this act affecting tenement houses hereafter erected.

Section 4.

(As amended by § 1, Chap. 555, Laws of 1901.)

BUILDINGS IN PROCESS OF ERECTION.

A tenement house not now completed, but the excavation for which shall have been commenced in good faith on or before the first day of June, nineteen hundred and one, after approval of the plans therefor by the department of buildings, and the first tier of beams of which shall have been set on or before the first day of August, nineteen hundred and one, shall be subject only to the provisions of this act affecting now existing tenement houses; provided that the plans for said house were filed in said department on or before the tenth day of April, nineteen hundred and one, and were in accordance with the laws in force at the time of filing, and that the building is built in accordance with such laws.

Section 5.

CORNER LOTS.

When a lot is situated at a corner of two streets, if it has more frontage upon one street than the other, the lesser frontage shall be deemed the width and the greater frontage the depth of the lot within the meaning of this act;

And when the width is greater than twenty-five feet, the excess over said twenty-five feet shall not be deemed part of a corner lot, but shall be subject to the provisions of this act in relation to lots other than corner lots.

CHAPTER II.
PROTECTION FROM FIRE.

TITLE I.

PROVISIONS APPLICABLE ONLY TO TENEMENT HOUSES HEREAFTER ERECTED.

Section 11.

FIREPROOF TENEMENTS, WHEN REQUIRED.

Every tenement house hereafter erected exceeding fifty-seven feet, or exceeding five stories or parts of stories, in height above the curb level, shall be a fireproof tenement house,

Nor shall any tenement house be altered so as to exceed such height without being made a fireproof tenement house ;

Provided, that this section shall not apply to a building of a height not exceeding sixty-seven feet, and not exceeding six stories or parts of stories in height above the curb level, if such building shall have a frontage exceeding forty feet.

A cellar is not a story within the meaning of this section.

Section 12.

FIRE ESCAPES.

Every non-fireproof tenement house hereafter erected, unless provided with fireproof outside stairways directly accessible to each apartment, shall have fire escapes located and constructed as in this section required,

Except that tenement houses that are less than four stories in height and which also do not contain accommodations for more than four families in all, may be equipped with such other iron, steel, or wire cable fire escapes as may be approved by the department of buildings, such

escapes must be capable of sustaining two thousand pounds, and be of sufficient length to reach from the top floor to the ground, and with rungs not more than twelve inches apart and not less than fifteen inches in length.

(1) The fire escapes shall be located both on the front and rear of the building at each story above the ground floor,

And where there is an apartment not containing any room fronting on either the street or yard, an additional fire escape shall be provided for such apartment.

Where, however, there are not more than four rooms in a line comprising part of one apartment, and the apartment extends from the street to the yard, the rear fire escape may be omitted.

Fire escapes may project into the public highway to a distance not greater than four feet beyond the building line.

(2) The fire escapes shall consist of outside open iron balconies and stairways.

The stairways shall be placed at an angle of not more than sixty degrees, with steps not less than six inches in width and twenty inches in length, and with a rise of not more than nine inches.

The balcony on the top floor, except in case of a front fire escape, shall be provided with a goose-neck ladder leading from said balcony to and above the roof.

(3) Balconies.—The balconies shall not be less than three feet in width, taking in at least one window of each apartment at each story above the ground floor.

They shall be below and not more than one foot below the window sills and extend in front of and not less than nine inches beyond each window.

There shall be a landing not less than twenty-four inches square at the head and foot of each stairway.

The stairway opening on each platform shall be of a size sufficient to provide clear headway.

(4) Floors of balconies.—The floors of balconies shall be of wrought iron or steel slats not less than one and a half inches by three-eighths of an inch, placed not more



than one and one-quarter inches apart, and well secured and riveted to iron battens one and a half inches by three-eighths of an inch, not over three feet apart and riveted at the intersection. The openings for stairways in all buildings (balconies?) shall not be less than twenty-one inches wide and thirty-six inches long, and such openings shall have no covers of any kind.

The platforms or balconies shall be constructed and erected to safely sustain in all their parts a safe load at a ratio of four to one, of not less than eighty pounds per square foot of surface.

(5) Railings.—The outside top rail shall extend around the entire length of the platform and in all cases shall go through the wall at each end, and be properly secured by nuts and four-inch square washers at least three-eighths of an inch thick, and no top rail shall be connected at angles by cast iron. The top rail of balconies shall be one and three-quarter inches by one-half inch of wrought iron, or one and a half inch angle iron one-quarter inch thick. The bottom rails shall be one and one-half inches by three-eighths of an inch wrought iron, or one and a half inch angle iron, one-quarter inch thick, well leaded into the wall. The standards or filling-in bars shall not be less than one-half inch round or square wrought iron, well riveted to the top and bottom rails and platform frame. Such standards or filling-in bars shall be securely braced by outside brackets at suitable intervals, and shall be placed not more than six inches from centres; the height of railings shall in no case be less than two feet nine inches.

(6) Stairways.—The stairways shall be constructed and erected to fully sustain in all their parts a safe load at a ratio of four to one of not less than one hundred pounds per step, with the exception of the tread which must safely sustain at said ratio a load of two hundred pounds. The treads shall be flat open treads not less than six inches wide and with a rise of not more than nine inches. The stairs shall be not less than twenty inches wide. The strings shall be not less than three-inch channels of iron

or steel, or other shape equally strong, and shall rest upon and be fastened to a bracket, which shall be fastened through the wall as hereinafter provided. The strings shall be securely fastened to the balcony at the top, and the steps in all cases shall be double-riveted or bolted to the strings. The stairs shall have three-quarter inch handrails of wrought iron, well braced.

(7) Brackets.—The brackets shall not be less than one-half inch by one and three-quarter inches wrought iron placed edge-wise, or one and three-quarter inch angle iron, one-quarter inch thick, well braced; they shall not be more than four feet apart, and shall be braced by means of not less than three-quarters of an inch square wrought iron, and shall extend two-thirds of the width of the respective balconies or brackets. The brackets shall go through the wall and be turned down three inches, or be properly secured by nuts and four-inch square washers at least three-eighths of an inch thick.

On new buildings the brackets shall be set as the walls are being built.

When brackets are put on tenement houses already erected the part going through the wall shall not be less than one inch in diameter with screw nuts and washers not less than five inches square and one-half an inch thick.

(8) Drop-ladders.—A proper drop-ladder shall be required from the lower balcony when the floor of such balcony is more than fourteen feet above the sidewalk or ground.

(9) Painting.—All the parts of such fire escapes shall receive not less than two coats of paint, one in the shop and one after erection.

Notice plates on fire escape balconies.—All fire escape balconies shall contain a plate firmly fastened to the standards or filling-in bars near the top railing in front of each window, such plate to contain in plain, large, prominent, raised letters, each letter to be not less than one-half an inch in length, the following words: "Any one placing any encumbrance on this balcony will be fined ten dollars."

Section 13.

BULKHEADS.

Every tenement house hereafter erected shall have in the roof a fireproof bulkhead with a fireproof door to the same,

And shall have fireproof stairs with a guide or hand-rail leading to the roof, and such stairs shall be kept free from encumbrance at all times.

No bulkhead door shall at any time be locked with a key, but it may be fastened on the inside by movable bolts or hooks.

Section 14.

STAIRS AND PUBLIC HALLS.

Every tenement house hereafter erected shall have at least one flight of stairs extending from the entrance floor to the roof,

And the stairs and public halls therein shall each be at least three feet wide in the clear.

Section 15.

STAIRWAYS IN NON-FIREPROOF BUILDINGS.

Every non-fireproof tenement house hereafter erected containing over eighty rooms shall also have an additional flight of stairs for every additional eighty rooms or fraction thereof;

If said house contains not more than one hundred and twenty rooms, in lieu of an additional stairway, the stairs and public halls throughout the entire building may each be at least one-half wider than is specified in sections fourteen and twenty of this act.

Section 16.

STAIRWAYS IN FIREPROOF BUILDINGS.

Every fireproof tenement house hereafter erected containing over one hundred and twenty rooms shall also have an additional flight of stairs for every additional one hundred and twenty rooms or fraction thereof;

But if said house contains not more than one hundred and eighty rooms, in lieu of an additional stairway the stairs and public halls throughout the entire building may each be at least one-half wider than is specified in sections fourteen and twenty of this act;

And a power passenger elevator, enclosed in a separate shaft from the stairs, and distant not less than thirty-five feet from the main flight of stairs, shall be deemed the equivalent of an additional flight.

Section 17.

STAIRWAYS, CONTINUED.

Each flight of stairs mentioned in the last three sections shall have an entrance on the entrance floor from the street or street court, or from an inner court which connects directly with the street.

All stairs shall be constructed with a rise of not more than seven and one half inches and with treads not less than ten inches wide and not less than three feet long in the clear.

Where winders are used, all treads at a point eighteen inches from the strings on the well side shall be at least ten inches wide.

Section 18.

STAIR HALLS.

The stair halls in all non-fireproof as well as fireproof tenement houses hereafter erected shall be constructed of fireproof material throughout, except as in this section specified.

The risers, strings and banisters shall be of metal or stone. The treads shall be of metal, slate or stone, or of hard wood not less than two inches thick.

Wooden handrails to stairs will be permitted if constructed of hard wood.

The floors of all stair halls shall be constructed of iron or steel beams and fireproof filling and no wooden flooring or sleepers shall be permitted.

All windows on stair halls opening on courts shall be of good quality wire-glass in frames of fireproof material.

Section 19.

STAIR HALLS, CONTINUED.

In every non-fireproof tenement house hereafter erected all stair halls shall be enclosed on all sides with brick walls.

The doors opening from stair halls shall be fireproof and self-closing, and if provided with glass such glass shall be good quality wire glass.

There shall be no transom or movable sash opening from a stair hall to any other part of the house.

Except on the entrance floor, each stair hall shall be shut off from all non-fireproof portions of the public halls and from all other non-fireproof parts of the building, on each story, by self-closing fireproof doors, and if glass is used in such doors it shall be of good quality wire glass.

Section 20.

ENTRANCE HALLS.

Every entrance hall in a tenement house hereafter erected shall be at least three feet six inches wide in the clear, from the entrance up to and including the stair enclosure, and beyond this point at least three feet wide in the clear.

It shall be enclosed with brick walls, and shall comply with all the conditions of the preceding sections of this act as to the construction of stair halls.

If such entrance hall is the only entrance to more than one flight of stairs, said hall shall be increased one foot in width in every part for each such additional flight of stairs.

In every such house, access shall be had from the street to the yard, either in a direct line or through a court.

Section 21.

FIRST TIER OF BEAMS.

In all non-fireproof as well as fireproof tenement houses hereafter erected five stories or more in height, exclusive of the cellar, the first floor above the cellar, or, if there be no cellar, above the lowest story, shall be constructed fireproof with iron or steel beams and fireproof flooring;

And the bottom flanges and all exposed portions of such iron or steel beams below the abutments of the floor arches or filling shall be entirely encased with hard-burnt clay or porous terra cotta or with metal lath properly secured and plastered on the under side.

In all non-fireproof tenement houses hereafter erected less than five stories in height, where the first floor above the cellar, or, if there be no cellar, above the lowest story, is not constructed fireproof with iron or steel beams and fireproof flooring, the cellar ceiling of said tenement house shall be lathed with wire or metal lath and plastered thereon with two coats of brown mortar of good materials,

Or shall be covered with plaster boards not less than one-half inch in thickness, made of plaster and strong fibre and all joints made true and well-pointed.

Section 22.

PARTITIONS, CONSTRUCTION OF.

In all non-fireproof tenement houses hereafter erected, fore and aft stud partitions which rest directly over each other shall run through the wooden floor beams and rest upon the plate of the partition below, and shall have the studding filled in solid between the uprights to the depth of the floor beams with suitable incombustible materials.

In all fireproof tenement houses hereafter erected, all partitions shall rest directly upon the fireproof floor construction, and extend to the fireproof beam filling above.

Section 23.

CELLAR STAIRS IN NON-FIREPROOF BUILDINGS.

In non-fireproof tenement houses hereafter erected

there shall be no inside stairs communicating between the cellar or other lowest story and the floor next above,

But such stairs shall in every case be located outside the building, and if enclosed shall be constructed entirely fireproof and be enclosed in a fireproof enclosure with fireproof self-closing doors at all openings.

Section 24.

CELLAR STAIRS IN FIREPROOF BUILDINGS.

In every fireproof tenement house hereafter erected the stairs communicating between the cellar and other lowest story and the floor next above, if not located underneath the stairs leading to the upper stories, may be placed inside of the said building ;

Provided, that the portion of the cellar or other lowest story into which said stairs lead is entirely shut off by fireproof walls from those portions thereof which are used for the storage of fuel, or in which heating appliances, boilers or machinery are located.

All openings in such walls shall be provided with self-closing fireproof doors.

Section 25.

CLOSET UNDER FIRST STORY STAIRS.

In non-fireproof tenement houses hereafter erected no closet of any kind shall be constructed under any staircase leading from the first story, exclusive of the cellar, to the upper stories, but such space shall be left entirely open and kept clear and free from encumbrance.

Section 26.

CELLAR ENTRANCE.

In every tenement house hereafter erected there shall be an entrance to the cellar or other lowest story from the outside of the said building.

BINS FOR WOOD AND COAL.

In such tenement houses, unless the entire ceiling and

floor above the cellar or other lowest story is constructed fireproof, all receptacles for fuel or storage in the cellar or other lowest story shall be constructed entirely of fire-proof materials.

Section 27.

FIRE STOPS.

In tenement houses hereafter erected, in all walls all the courses of brick from the under side of the floor beams to the top of the same shall project a distance of at least two inches beyond the inside face of the wall so as to provide an effective fire stop;

And wherever floor beams run parallel to a wall such beams shall always be kept at least two and one-half inches away from the inside line of the wall, and the space between the beams and the wall shall be built up solidly with brickwork from the under side of the floor beams to the top of the same so as to form an effective fire stop.

Section 28.

WOODEN TENEMENT HOUSES.

Within the fire limits no wooden tenement house shall hereafter be erected, and no wooden building not now used as a tenement house shall hereafter be altered or converted to such use.

Outside the fire limits, wooden tenement houses not exceeding two stories in height, exclusive of the cellar, may be erected, but shall not provide accommodations for, or be occupied by, more than four families in all, or more than two families on any floor; and such houses need not comply with the foregoing provisions of this act in reference to protection from fire nor with the provisions of sections twenty-nine, thirty, thirty-one, thirty-two, thirty-six, thirty-seven and thirty-eight of this act.

TITLE II.

PROVISIONS APPLICABLE ONLY TO NOW EXISTING TENEMENT HOUSES.

Section 29.**FIRE ESCAPES.**

Every now existing non-fireproof tenement house, unless provided with fireproof outside stairways directly accessible to each apartment, shall have fire escapes located and constructed as described in section twelve of this act.

But a fire escape now erected upon such house shall be deemed sufficient except as provided in the next two sections.

Section 30.**FIRE ESCAPES, CONTINUED.**

In every now existing non-fireproof tenement house there shall be a separate fire escape directly accessible to each apartment, exclusive of fire escapes in air shafts and courts;

And a party-wall fire escape balcony on the rear of the building connecting with the window of an adjoining building shall be deemed a sufficient fire escape only when the two buildings are completely separated by an unpierced fire wall throughout their entire height and length.

All wooden floor slats and floors in fire escape balconies shall be replaced by proper iron slats or floors.

No wooden balcony or wooden outside stairs shall be deemed part of a lawful fire escape.

Section 31.**FIRE ESCAPES, CONTINUED.**

Whenever a now existing non-fireproof tenement house is not provided with sufficient means of egress in case of fire the department of buildings may order such addi-

tional fire escapes or other means of egress as in its judgment may be necessary.

Section 32.

SCUTTLES, BULKHEADS AND LADDERS.

Every now existing tenement house shall have in the roof a bulkhead or scuttle constructed as in this section required.

No scuttle shall be less in size than two feet by three feet, and all scuttles shall be covered on the outside with metal—

And shall be provided with stationary iron ladders or stairs leading thereto and easily accessible to all tenants of the building and kept free from encumbrance,

And all scuttles and ladders shall be kept so as to be ready for use at all times.

Every bulkhead hereafter constructed in a tenement house shall be fireproof with a fireproof door to the same—

And shall have fireproof stairs with a guide or handrail leading to the roof, and such stairs shall be kept free from encumbrance at all times.

No scuttle and no bulkhead door shall at any time be locked with a key, but either may be fastened on the inside by movable bolts or hooks.

Section 33.

STAIR HALLS, PUBLIC HALLS AND ENTRANCE HALLS.

If any now existing tenement house shall be so altered as to increase the number of rooms therein by twenty per centum or more, or if such building is increased in height, the entire stair halls, entrance halls and other public halls of the whole building shall be made to conform to the requirements of sections fourteen to twenty, inclusive, of this act.

Section 34.

TENEMENTS DAMAGED BY FIRE.

If any now existing tenement house shall hereafter be

damaged by fire or otherwise to an amount greater than one-half of the value thereof, exclusive of the value of the foundation, such building shall not be repaired or rebuilt except in conformity with the foregoing provisions of this act for the construction of tenement houses hereafter erected.

If the stairs in any now existing tenement house shall be damaged by fire or otherwise, to an amount greater than one-half of the value thereof, the entire stairs in the said tenement house shall be reconstructed in accordance with the provisions of this act for stairs in tenement houses hereafter erected.

TITLE III.

PROVISIONS APPLICABLE TO ALL TENEMENT HOUSES HEREAFTER ERECTED OR NOW EXISTING.

Section 35.

FIRE ESCAPES.

All fire escapes hereafter constructed upon tenement houses shall be located and constructed as described in section twelve of this act.

The owner of every tenement house shall keep all the fire escapes thereon in good order and repair, and whenever rusty shall have them properly painted with two coats of paint.

No person shall at any time place any encumbrance of any kind before or upon any such fire escape.

Section 36.

STAIRWAYS.

In every tenement house all stairways shall be provided with proper banisters and railings and kept in good repair.

Section 37.

SHAFTS.

All shafts hereafter constructed in tenement houses shall be constructed fireproof throughout, with fireproof self-closing doors at all openings, at each story, except window openings in vent shafts;

And, if they extend to the cellar, shall also be enclosed in the cellar with fireproof walls and fireproof self-closing doors at all openings.

In no case shall any shaft be constructed of materials in which any inflammable material or substance enters into any of the component parts.

But nothing in this section contained shall be so construed as to require such enclosures about elevators or dumb-waiters in the well-hole of stairs where the stairs themselves are enclosed in brick or stone walls, and are entirely constructed of fireproof materials as hereinbefore provided.

Section 38.

PLASTERING BEHIND WAINSCOTING.

When wainscoting is hereafter placed in any tenement house, or any building in process of alteration into a tenement house, the surface of the wall or partition behind such wainscoting shall be plastered down to the floor line, and any intervening space between said plastering and said wainscot shall be filled in solid with incombustible material.

Section 39.

WOODEN BUILDINGS ON SAME LOT WITH A TENEMENT HOUSE.

No wooden building of any kind whatsoever shall hereafter be placed or built upon the same lot with a tenement house within the fire limits.

Section 40.

COMBUSTIBLE MATERIALS.

No tenement house, nor any part thereof, shall be used

as a place of storage for any combustible article except under such conditions as may be prescribed by the fire department, under authority of a written permit issued by said department.

No tenement house, nor any part thereof, shall be used as a place of storage for any article dangerous to life or health, nor for the storage of feed, hay, straw, excelsior or cotton, nor for the storage or handling of rags.

Section 41.

BAKERIES AND FAT BOILING.

No bakery and no place of business in which fat is boiled shall be maintained in any tenement house which is not fireproof throughout, unless the ceiling and side-walls of said bakery or of the said place where fat boiling is done are made safe by fireproof materials around the same,

And there shall be no openings either by door or window, dumb-waiter shafts or otherwise, between said bakery or said place where fat is boiled in any tenement house and the other parts of the said building.

Section 42.

OTHER DANGEROUS BUSINESSES.

All transoms and windows opening into halls from any portion of a tenement house where paint, oil, spirituous liquors or drugs are stored for the purpose of sale or otherwise, shall be glazed with wire-glass or they shall be removed and closed up as solidly as the rest of the wall;

And all doors leading into any such hall from such portion of said house shall be made fireproof.

CHAPTER III.
LIGHT AND VENTILATION.

TITLE I.

PROVISIONS APPLICABLE ONLY TO TENEMENT HOUSES HEREAFTER ERECTED.

Section 51.

PERCENTAGE OF LOT OCCUPIED.

No tenement house hereafter erected shall occupy more than ninety per centum of a corner lot,

Or more than seventy per centum of any other lot,

The measurements in all cases to be taken at the ground level;

Provided, that the space occupied by fire escapes of the size hereinbefore prescribed shall not be deemed a part of the lot occupied.

Section 52.

HEIGHT.

The height of no tenement house hereafter erected shall by more than one-third exceed the width of the widest street upon which it stands.

Such height shall be the perpendicular distance measured in a straight line from the curb level to the highest point of the building exclusive of cornices and bulkheads, provided such bulkheads are not more than eight feet high and do not exceed in area ten per centum of the area of the roof;

The measurements in all cases shall be taken through the center of the facade of the house.

Section 53.

YARDS.

Behind every tenement house hereafter erected there

shall be a yard extending across the entire width of the lot and at every point open from the ground to the sky unobstructed, except that fire escapes or unenclosed outside stairs may project not over three feet from the rear line of the house.

The depth of said yard, measured from the extreme rear wall of the house to the rear line of the lot, shall be as set forth in the two following sections.

Section 54.

YARDS OF INTERIOR LOTS.

Except upon a corner lot the depth of the yard behind every tenement house hereafter erected sixty feet in height shall be not less than twelve feet in every part.

Said yard shall be increased in depth one foot for every additional twelve feet of height of the building, or fraction thereof;

And may be decreased in depth one foot for every twelve feet of height of the building less than sixty feet;

But it shall never be less than ten feet in depth in any part.

Section 55.

YARDS OF CORNER LOTS.

The depth of the yard behind every tenement house hereafter erected upon a corner lot shall be not less than ten feet in every part.

Section 56.

YARD SPACES OF LOTS RUNNING THROUGH FROM STREET TO STREET.

Wherever a tenement house hereafter erected is upon a lot which runs through from one street to another street, and said lot is not less than seventy feet nor more than one hundred feet in depth, there shall be a yard space through the center of the lot midway between the two streets, which space shall extend across the full width of the lot and shall never be less than twelve feet in depth from wall to wall;



But where the ground floor of such building is used or intended to be used as a store, such yard space may start at the second tier of beams.

Where such lot is over one hundred feet in depth such yard space shall conform to the provisions of section sixty-two of this act for inner courts, and shall be left through the center of the lot midway between the two streets.

Section 57.

COURTS.

No court of a tenement house hereafter erected shall be covered by a roof or skylight, but every such court shall be at every point open from the ground to the sky unobstructed,

And shall conform to the requirements of the following sections;

Provided, that an apartment not containing any room fronting upon the street or yard may have a fire escape in a court, projecting not more than three feet from the wall of the house.

Section 58.

OUTER COURTS.

Where one side of an outer court is situated on the lot line, the width of the said court, measured from the lot line to the opposite wall of the building, for tenement houses sixty feet in height shall not be less than six feet in any part;

And for every twelve feet of increase or fraction thereof in height of the said building, such width shall be increased six inches throughout the entire height of said court;

And for every twelve feet of decrease in the height of the said building below sixty feet, such width may be decreased six inches,

But no such court shall be less than four feet six inches wide in any part.

Section 59.

OUTER COURTS, CONTINUED.

Where an outer court is situated between wings or parts of the same building, or between different buildings on the same lot, the width of the said court, measured from wall to wall, for tenement houses sixty feet in height shall not be less than twelve feet in any part;

And for every twelve feet of increase or fraction thereof in the height of the said building, such width shall be increased one foot throughout the entire height of the said court;

And for every twelve feet of decrease in the height of the said building below sixty feet, such width of the said court may be decreased one foot,

But no such court shall ever be less than nine feet in width in any part.

Section 60.

OUTER COURTS, CONTINUED.

Wherever an outer court changes its initial horizontal direction, or wherever any part of such court extends in a direction so as not to receive direct light from the street or yard, the length of such portion of said court shall never exceed the width of said portion;

Such length to be measured from the point at which the change of direction commences.

Wherever an outer court is less in depth than the minimum width prescribed by this section, then its width may be equal to, but not less than its depth, provided that such width is never less than four feet in the clear.

This exception shall also apply to each offset or recess in outer courts.

And no window except windows of water closet compartments, bathrooms or halls shall open upon any offset or recess less than six feet in its least dimension.

Section 61.

INNER COURTS.

Where one side of an inner court is situated on the lot

line, the width of the said court measured from the lot line to the opposite wall of the building, for tenement houses sixty feet in height shall not be less than twelve feet in any part, and its other horizontal dimension shall not be less than twenty-four feet in any part;

And for every twelve feet of increase or fraction thereof in the height of the said building, such width shall be increased six inches throughout the entire height of said court,

And the other horizontal dimension shall be increased one foot throughout the entire height of said court;

And for every twelve feet of decrease in the height of the said building below sixty feet, such width may be decreased six inches and the other horizontal dimension may be decreased one foot,

But no such court shall be less than ten and a half feet in width in any part, nor less than twenty-one feet in its other horizontal dimension.

Section 62.

INNER COURTS, CONTINUED.

Where an inner court is not situated upon the lot line, but is enclosed on all four sides, the least horizontal dimension of the said court for tenement houses sixty feet in height, shall not be less than twenty-four feet;

And for every twelve feet of increase or fraction thereof in the height of the said building, the said court shall be increased one foot in each horizontal dimension, throughout the entire height of said court;

And for every twelve feet of decrease in the height of the said building below sixty feet, the horizontal dimensions of the said court may be decreased one foot in each direction,

But no such court shall ever be less than twenty-one feet in its least horizontal dimension.

Offsets or recesses in inner courts will be permitted, but where the depth of such offset or recess is less than the minimum width prescribed, then the width of said

offset or recess may be equal to but not less than its depth, provided that such width is never less than four feet in the clear.

And no window except windows of water closet compartments, bath rooms or halls shall open upon any offset or recess less than six feet in its least dimension.

Section 63.

INNER COURTS, CONTINUED.

Every inner court shall be provided with one or more horizontal intakes or ducts at the bottom. Said intakes or ducts shall be not less in total area than four per centum of the area of said inner court.

Each such intake or duct shall be at least five square feet in area, and shall always communicate directly with the street or yard.

Wherever the said intakes or ducts consist of a passageway or passageways, such passageway shall be left open, or if not open there shall always be provided in said passageway or passageways open grilles or transoms of a size not less than five square feet each, and such open grilles or transoms shall never be covered over by glass or in any other way.

There shall be at least two such grilles or transoms in each such passageway, one at the inner court and the other at the street or yard, as the case may be.

Section 64.

OUTER AND INNER COURTS.

Nothing contained in the foregoing sections concerning outer and inner courts shall be construed as preventing windows at the angles of said courts, provided that the running length of the wall containing such windows does not exceed six feet.

In construing said sections the height of the building is to be measured from the curb level to the top of the highest wall enclosing or forming such court.

Section 65.

REAR TENEMENTS.

No separate tenement house shall hereafter be erected upon the rear of a lot fifty feet or less in width where there is a tenement house on the front of the said lot,

Nor upon the front of any such lot upon the rear of which there is such a tenement house.

Section 66.

BUILDINGS ON SAME LOT WITH TENEMENT HOUSES.

If any building is hereafter placed on the same lot with a tenement house the space between the said buildings shall always be of such size and arranged in such manner as is prescribed in section sixty-two of this act for inner courts;

And no building of any kind shall be hereafter placed upon the same lot with a tenement house so as to decrease the minimum size of courts or yards as hereinbefore prescribed.

And if any tenement house is hereafter erected upon any lot upon which there is already another building, it shall comply with all of the provisions of this act, and in addition the space between the said building and the said tenement house shall be of such size and arranged in such manner as is prescribed in section sixty-two of this act for inner courts, the height of the highest building on the lot to regulate the dimensions.

Section 67.

ROOMS, LIGHTING AND VENTILATION OF.

In every tenement house hereafter erected every room, except water-closet compartments and bathrooms, shall have at least one window opening directly upon the street or upon a yard or court.

Section 68.

WINDOWS IN ROOMS.

In every tenement house hereafter erected the total

window area in each room, except water-closet compartments and bathrooms, shall be at least one-tenth of the superficial area of the room,

And the top at least of one window shall not be less than seven feet six inches above the floor, and the upper half of it shall be made so as to open the full width.

No such window shall be less than twelve square feet in area between the stop beads.

Section 69.

WINDOWS IN WATER-CLOSET COMPARTMENTS AND BATHROOMS.

In every tenement house hereafter erected the total window area in a water-closet compartment or bathroom shall not be less than three square feet in area for each,

And no such window shall be less than one foot in width, measured between stop beads.

Section 70.

ROOMS, SIZE OF.

In every tenement house hereafter erected all rooms, except water-closet compartments and bathrooms, shall be of the following minimum sizes:

In each apartment there shall be at least one room containing not less than one hundred and twenty square feet of floor area,

And each other room shall contain at least seventy square feet of floor area.

Each room shall be in every part not less than nine feet high from the finished floor to the finished ceiling;

Provided that an attic room need be nine feet high in but one-half its area.

Section 71.

ALCOVES.

In every tenement house hereafter erected where any room adjoins another room, and has eighty per centum or more of one entire side open to the other room, and

there is no door between, it shall be considered as part of the said room.

Under other circumstances every alcove shall be deemed a separate room for all purposes within the meaning of this act.

Section 72.

PUBLIC HALLS.

In every tenement house hereafter erected every public hall shall have at least one window opening directly upon the street or upon a yard or court.

Either such window shall be at the end of said hall, with the plane of the window at right angles to the axis of said hall or there shall be at least one window opening directly upon the street or upon a yard or court for every twenty feet in length or fraction thereof of said hall.

In such halls recesses or returns the length of which does not exceed twice the width of the hall will be permitted without an additional window.

But wherever the length of such recess or return exceeds twice the width of the hall the above provisions in reference to one window for every twenty feet of hallway shall be applied. Any part of a hall which is shut off from any other part of said hall by a door or doors shall be deemed a separate hall within the meaning of this section.

Section 73.

WINDOWS FOR PUBLIC HALLS, SIZE OF.

In every tenement house hereafter erected one at least of the windows provided to light each public hall or part thereof shall be at least two feet six inches wide and five feet high, measured between stop beads.

Section 74.

WINDOWS FOR STAIR HALLS, SIZE OF.

In every tenement house hereafter erected the aggre-

gate area of windows to light or ventilate stair halls shall be at least twenty-one square feet for each floor.

There shall be provided for each story at least one of said windows, which shall be at least three feet wide and five feet high, measured between the stop beads.

Section 75.

(As amended by § 2, Chap. 555, Laws of 1901.)

PRIVACY.

In every apartment of three or more rooms in a tenement house hereafter erected, access to every living room and bedroom and to at least one water closet compartment shall be had without passing through any bedroom.

TITLE II.

PROVISIONS APPLICABLE ONLY TO NOW EXISTING TENEMENT HOUSES.

Section 76.

PERCENTAGE OF LOT OCCUPIED.

No now existing tenement house shall hereafter be enlarged, or its lot be diminished, so that the house occupy more than ninety per centum of a corner lot,

Or more than seventy per centum of any other lot,

The measurements in all cases to be taken at the ground level;

Provided that the space occupied by fire escapes of the size hereinbefore prescribed, shall not be deemed a part of the lot occupied.

Section 77.

YARDS.

No now existing tenement house shall hereafter be enlarged or its lot be diminished, so that the yard shall be less than five feet in depth when the building is on a corner lot,

Or less than twelve feet in depth in other cases,

The measurements in all cases to be taken from the extreme rear wall of the building to the rear lot line, and across the full width of the lot,

And such yard shall be at every point open from the ground to the sky, except as provided in section fifty-three of this act.

Section 78.

ADDITIONAL ROOMS AND HALLS.

Any additional room or hall that is hereafter constructed or created in a now existing tenement house shall comply in all respects with the provisions of the foregoing sections of this chapter as to the size, arrangement, light and ventilation of rooms and halls in tenement houses hereafter erected.

Section 79.

ROOMS, LIGHTING AND VENTILATION OF, CONTINUED.

No room in a now existing tenement house shall hereafter be occupied for living purposes unless it shall have a window upon the street,

Or upon a yard not less than five feet deep,

Or upon a court or shaft of not less than twenty-five square feet in area, open to the sky without roof or skylight,

Or unless such room has a sash window opening into an adjoining room in the same apartment which itself has a window opening on the street, or on a yard not less than five feet deep,

Said sash window having at least fifteen square feet of glazed surface, being at least three feet high and five feet wide between stop beads, and at least one-half thereof being made to open readily.

Furthermore, no room in a now existing tenement house which does not have a window opening directly upon the street or upon a yard not less than five feet deep or upon a court or shaft of not less than twenty-five square feet in area open to the sky without roof or

skylight shall hereafter be occupied for living purposes unless such room contains at least sixty square feet of floor area, and also at least six hundred cubic feet of air space; and no such room shall be so occupied unless there is six hundred cubic feet of air to each individual occupying the same.

No such room shall be so occupied unless it be in every part not less than eight feet high from the finished floor to the finished ceiling;

Provided, that an attic room need be eight feet high in but half its area.

Section 80.

PUBLIC HALLS, LIGHTING OF.

In every now existing tenement house four stories or over in height, whenever a public hall on any floor is not light enough in the daytime to permit a person to read in every part thereof without the aid of artificial light, the wooden panels in the doors located at the ends of the public halls and opening into rooms shall be removed, and ground glass or wire glass panels of an aggregate area of not less than four square feet for each door shall be substituted;

Or in lieu of removing the panels in the doors a fixed sash window of wire glass of an area of not less than five square feet may be cut into the partitions separating the said hall from a room which opens directly upon the street or upon a yard, court, or shaft of the dimensions specified in the last section;

Or said public hall may be lighted by a window or windows at the end thereof with the plane of the window at right angles to the axis of the said hall, said window opening upon the street or upon a yard, court, or shaft of said dimensions.

Section 81.

LIGHT AND VENT SHAFTS IN EXISTING BUILDINGS.

Any shaft used or intended to be used to light or ven-



tilate rooms used or intended to be used for living purposes, and which may be hereafter placed in a now existing tenement house, shall not be less in area than twenty-five square feet, nor less than four feet in width in any part,

And such shaft shall under no circumstances be roofed or covered over at the top with a roof or skylight;

But if such shaft is provided at the bottom with a horizontal intake or duct, of a size not less than two square feet, and communicating directly with the street or yard, such shaft may be of a size not less than three feet by five feet, provided that not more than two rooms on any floor open thereon, and that if it be used to light or ventilate any living room no water closet open upon it.

TITLE III.

PROVISIONS APPLICABLE TO ALL TENEMENT HOUSES HEREAFTER ERECTED OR NOW EXISTING.

Section 82.

PUBLIC HALLS.

In every tenement house a proper light shall be kept burning by the owner in the public hallways, near the stairs, upon the entrance floor, and upon the second floor, above the entrance floor of said house, every night from sunset to sunrise throughout the year,

And upon all other floors of the said house from sunset until ten o'clock in the evening.

Section 83.

SKYLIGHTS.

In every tenement house there shall be in the roof, directly over each stair well, a ventilating skylight with both ridge ventilators and fixed louvres, the glazed surface thereof to be not less than twenty-five square feet in area.

Section 84.

CHIMNEYS OR FIREPLACES.

In every tenement house there shall be adequate chimneys running through every floor with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys for every apartment.

Section 85.

VENT SHAFTS.

Every vent shaft hereafter constructed in a tenement house shall be at least twenty square feet in area, and the least dimension of such shaft shall not be less than four feet;

And if the building be above sixty feet in height such shaft shall throughout its entire height be increased in area three square feet for each additional twelve feet of height or fraction thereof;

And for each twelve feet of height less than sixty feet such shaft may be decreased in area three square feet.

A vent shaft may be enclosed on all four sides but shall not be roofed or covered over in any way.

Every such shaft shall be provided with a horizontal intake or duct at the bottom, communicating with the street or yard or with a court; such duct or intake to be not less than one and one-half square feet in total area.

CHAPTER IV.
SANITARY PROVISIONS.

TITLE I.

PROVISIONS APPLICABLE ONLY TO TENEMENT HOUSES HEREAFTER ERECTED.

Section 91.

BASEMENTS AND CELLARS.

In tenement houses hereafter erected no room in the cellar shall be constructed, altered, converted or occupied for living purposes.

And no room in the basement shall be constructed, altered, converted or occupied for living purposes, unless all of the following conditions are complied with:

1. Such room shall be at least nine feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be at least four feet and six inches above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a separate water-closet, constructed and arranged as required by section ninety-five of this act.

4. Such room shall have a window or windows opening upon the street, or upon a yard or court. The total area of windows in such room shall be at least one-eighth of the superficial area of the room, and one-half of the sash shall be made to open the full width, and the top of each window shall be within six inches of the ceiling.

5. All walls surrounding such room shall be made damp-proof in the manner specified in the next section.

6. The floor of such room shall be made damp-proof and waterproof in the manner specified in the next section.

Section 92.

BASEMENTS AND CELLARS, CONTINUED.

Every tenement house hereafter erected shall have all walls below the ground level and all cellar or lower floors made damp-proof and waterproof.

Such damp-proofing and waterproofing shall run through the walls and up the same as high as the ground level and shall be continued throughout the floor,

And the said cellar or lowest floor shall be properly constructed so as to prevent dampness or water from entering.

Section 93.

SHAFTS, COURTS, AREAS AND YARDS.

In every tenement house hereafter erected the bottom of all shafts, courts, areas and yards which extend to the basement for light or ventilation of living rooms, must be six inches below the floor level of the part occupied or intended to be occupied.

All shafts, courts, areas and yards shall be properly concreted, graded and drained, and shall be properly connected with the street sewer so that all water may pass freely into it.

Section 94.

WATER SUPPLY.

In every tenement house hereafter erected there shall be in each apartment a proper sink with running water.

Section 95.

WATER-CLOSET ACCOMMODATIONS.

In every tenement house hereafter erected there shall be a separate water-closet in a separate compartment within each apartment,

Provided that where there are apartments consisting of but one or two rooms, there shall be at least one water-closet for every three rooms. All water-closet

compartments must have a window opening upon the street or yard or upon a court or vent shaft.

Every water-closet compartment shall be provided with proper means of lighting the same at night. If fixtures for gas or electricity are not provided in said compartment, then the door of said compartment shall be provided with ground glass or wire glass panels, or with a ground glass or wire glass transom, not less in area than four square feet.

The floor of every water-closet compartment shall be made waterproof with asphalt, cement, tile, stone, metal or some other waterproof material; and such waterproofing shall extend at least six inches above the floor so that the said floor can be washed or flushed out without leaking.

No drip trays shall be permitted.

No water-closet fixtures shall be enclosed with any woodwork.

Section 96.

PLUMBING.

In every tenement house hereafter erected all plumbing pipes shall wherever possible be exposed, or if such pipes are covered there shall be at each floor access to all rising lines through removable panels; said panels shall always be as wide as the whole stack of pipes, and at least two feet and six inches in height.

TITLE II.

PROVISIONS APPLICABLE ONLY TO NOW EXISTING TENEMENT HOUSES.

Section 97.

BASEMENTS AND CELLARS.

Hereafter in any now existing tenement house no room in the basement or cellar shall be occupied for living purposes without a written permit from the de-

partment of health, and such permit shall be kept readily accessible in said room.

And no such room shall hereafter be occupied unless all the following conditions are complied with:

1. Such room shall be at least eight feet high in every part from the floor to the ceiling.

2. The ceiling of such room shall be in every part at least two feet above the surface of the street or ground outside of or adjoining the same.

3. There shall be appurtenant to such room the use of a separate water-closet.

4. There shall be outside of and adjoining such room, and extending along the entire frontage thereof, an open space of at least two feet six inches wide in every part. The bottom of said space shall be at least six inches below the level of the floor of the room, and such space shall be well and effectually drained by a drain the bottom of which shall be at least one foot below the level of the floor of the room.

5. Such room shall have a window or windows opening to the outer air of at least nine square feet in size clear of the sash frame, and at least four and one-half square feet of which shall have been made to readily open for purposes of ventilation.

6. If the house is situated over marshy ground, or ground on which water lies, or ground on which there is water pressure from below, the lowest floor shall have been made waterproof and damp proof.

Section 98.

WATER-CLOSETS.

In all now existing tenement houses the woodwork enclosing all water-closets shall be removed from the front of said closet, and the space underneath the seat shall be left open.

The floor or other surface beneath and around the closet shall be maintained in good order and repair and shall be kept well painted with white paint.

Section 99.

PUBLIC SINKS.

In all now existing tenement houses the woodwork enclosing sinks located in the public halls or stairs shall be removed, and the space underneath said sinks shall be left open.

The floors and wall surfaces beneath and around the sink shall be maintained in good order and repair, and shall be kept well painted with white paint.

Section 100.

PRIVY VAULTS, SCHOOL SINKS AND WATER-CLOSETS.

In all now existing tenement houses, all school sinks, privy vaults or other similar receptacles used to receive fecal matter, urine or sewage, shall before January first, nineteen hundred and three, be completely removed and the place where they were located properly disinfected under the direction of the department of health.

Such appliances shall be replaced by individual water-closets of durable non-absorbent material, properly sewer connected, and with individual traps, and properly connected flush tanks providing an ample flush of water to thoroughly cleanse the bowl.

The seats of the water-closets shall be hinged and attached to the bowl of the closet.

Each water-closet shall be located in a compartment completely separated from every other water-closet.

The floors of the water-closet compartments shall be water-proof as provided in section ninety-five of this act.

Such water-closets may be located in the yard if necessary, and if so, long hopper closets may be used;

All traps, flush tanks and pipes shall be protected against the action of frost.

There shall be provided at least one water-closet for every two families in every now existing tenement house.

Except as in this section otherwise provided such water-closets and all plumbing in connection therewith

shall be in accordance with the ordinances and regulations in relation to plumbing and drainage.

TITLE III.

PROVISIONS APPLICABLE TO ALL TENEMENT HOUSES, WHETHER HEREAFTER ERECTED OR NOW EXISTING.

Section 101.

BASEMENTS AND CELLARS.

The floor of the cellar or lowest floor of every tenement house shall be water tight and the cellar ceiling shall be plastered.

Section 102.

CELLAR WALLS AND CEILINGS.

The cellar walls and ceilings of every tenement house shall be thoroughly whitewashed or painted a light color by the owner at least once a year;

And no tenement house hereafter erected, whether or not it has now been actually commenced, shall be occupied until this has been done for the first time.

Section 103.

ROOFS.

The roof of every tenement house shall be kept in good repair and so as not to leak, and all rain water shall be so drained and conveyed therefrom as to prevent its dripping on to the ground or causing dampness in the walls, ceilings, yards or areas.

Section 104.

WATER SUPPLY.

Every tenement house shall have water furnished in sufficient quantity at one or more places on each floor occupied by or intended to be occupied by one or more families.

The owner shall provide proper and suitable tanks,

pumps or other appliances to receive and to distribute an adequate and sufficient supply of such water at each floor in the said house, at all times of the year, during all hours of the day and night.

But a failure in the general supply of water by the city authorities shall not be construed to be a failure on the part of such owner, provided that proper and suitable appliances to receive and distribute such water have been provided in said house.

Section 105.

CLEANLINESS OF BUILDINGS.

Every tenement house and every part thereof shall be kept clean and free from any accumulation of dirt, filth or garbage or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to the same.

The owner of every tenement house or part thereof shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, water-closets, cesspools, drains, halls, cellars, roofs and all other parts of the said tenement house, or part of the house of which he is the owner, to the satisfaction of the department of health, and shall keep the said parts of the said tenement house in a cleanly condition at all times.

No person shall place filth, urine or fecal matter in any place in a tenement house other than that provided for the same, or keep filth, urine or fecal matter in his apartment or upon his premises such length of time as to create a nuisance.

Section 106.

SHAFTS AND COURTS.

In every tenement house there shall be, at the bottom of every shaft and inner court, a self-closing fireproof door giving sufficient access to such shaft or court to enable it to be properly cleaned out.

Section 107.

WALLS OF COURTS AND SHAFTS.

The walls of all yard-courts, inner-courts and shafts unless built of a light color brick or stone shall be thoroughly whitewashed by the owner at least once in three years, or shall be painted a light color by him at least once in five years;

And no tenement house hereafter erected, whether or not it has now been actually commenced, shall be occupied until this has been done for the first time.

Section 108.

WALL PAPER.

No wall paper shall be placed upon a wall or ceiling of any tenement house unless all wall paper shall be first removed therefrom and said wall and ceiling thoroughly cleaned.

Section 109.

RECEPTACLES FOR ASHES, GARBAGE AND REFUSE.

The owner of every tenement house shall provide for said building proper and suitable conveniences or receptacles for ashes, rubbish, garbage, refuse and other matter.

Section 110.

PROHIBITED USES.

No horse, cow, calf, swine, sheep or goat shall be kept in a tenement house, or on the premises thereof,

And no tenement house shall be used for a lodging house or stable, or for the storage or handling of rags.

Section 111.

JANITOR OR HOUSEKEEPER.

Whenever there shall be more than eight families living in any tenement house, in which the owner thereof does not reside, there shall be a janitor, housekeeper or

some other responsible person who shall reside in said house and have charge of the same, if the department of health shall so require.

Section 112.

OVERCROWDING.

No room in any tenement house shall be so overcrowded that there shall be afforded less than four hundred cubic feet of air to each adult, and two hundred cubic feet of air to each child under twelve years of age occupying such room,

And no apartment in any tenement house shall be so overcrowded that there shall be afforded in the living rooms and bedrooms of said apartment less than six hundred cubic feet of air to each individual occupying such apartment.

Section 113.

SPACE AROUND PIPES.

In all tenement houses, where plumbing or other pipes pass through floors or partitions, the openings around such pipes shall be sealed or made air-tight with plaster, or other incombustible materials, so as to prevent the passage of air or the spread of fire from one floor to another or from room to room.

CHAPTER V.

REMEDIES.

TITLE I.

GENERAL POWERS AND DUTIES.

Section 121.**PERMIT TO COMMENCE BUILDING.**

Before the construction or alteration of a tenement house, or the alteration or conversion of a building for use as a tenement house, is commenced, the owner, or his agent or architect, shall submit to the department charged with the enforcement of this act—

A detailed statement in writing, verified by the person making the same, of the specifications for the construction and for the light and ventilation of such tenement house or building, upon a blank or form to be furnished by such department,

And also a full and complete copy of the plans of such work.

Such statement shall give in full the name and residence, by street and number, of the owner or owners of such tenement house or building.

If such construction, alteration, or conversion, is proposed to be made by any other person than the owner of the land in fee, such statement shall contain the full name and residence, by street and number, not only of the owner of the land, but of every person interested in such tenement house, either as owner, lessee or in any representative capacity.

The statements herein provided for may be made by the owner, or the person who proposes to make the construction, alteration or conversion, or by his agent or architect.

No person, however, shall be recognized as the agent

of the owner, unless he shall file with the said department a written instrument, signed by such owner, designating him as such agent.

Such specifications, plans and statements shall be filed in the said department and shall be deemed public records, but no such specifications, plans or statements shall be removed from said department.

The said department shall cause all such plans and specifications to be examined. If such plans and specifications conform to the provisions of this act and to the building ordinances and regulations they shall be approved by such department, and a written certificate to that effect shall be issued to the person submitting the same.

The department may, from time to time, approve changes in any plans and specifications previously approved by it, provided the plans and specifications when so changed shall be in conformity with law.

The construction, alteration or conversion of such tenement house or building, or any part thereof, shall not be commenced until the filing of such specifications, plans and statements, and the approval thereof, as above provided.

Section 122.

CERTIFICATE OF COMPLIANCE.

No building hereafter constructed as or altered into a tenement house shall be occupied in whole or in part for human habitation until the issuance of a certificate by the department aforesaid that said building conforms in all respects to the requirements of this act.

Such certificate shall be issued within ten days after written application therefor, if said building at the date of such application shall be entitled thereto.

Section 123.

UNLAWFUL OCCUPATION.

If any building hereafter constructed as or altered into

a tenement house be occupied in whole or in part for human habitation in violation of the last section,

During such unlawful occupation any bond or note secured by a mortgage upon said building, or the lot upon which it stands, may be declared due at the option of the mortgagee.

No rent shall be recoverable by the owner or lessee of such premises for said period, and no action or special proceeding shall be maintained therefor, or for possession of said premises for non-payment of such rent.

The department of water supply shall not permit water to be furnished in any such tenement house,

And said premises shall be deemed unfit for human habitation,

And the department of health shall cause them to be vacated accordingly.

Section 124.

ENFORCEMENT.

Except as herein otherwise provided, the provisions of this act shall be enforced by the department of any city to which this act applies, which is now charged with the enforcement of laws, ordinances and regulations relating to similar subject matter in tenement houses.

Section 125.

VIOLATIONS.

Nothing in this act shall be construed to abrogate or impair the powers of the department of health, the department of buildings, or of the courts, to enforce any provisions of the charter or building ordinances and regulations, not inconsistent with this act, or to prevent or punish violations thereof.

Section 126.

PENALTIES FOR VIOLATIONS.

Every person who shall violate or assist in the violation of any provision of this act shall be guilty of—

A misdemeanor punishable by imprisonment for ten days for each and every day that such violation shall continue,

Or by a fine of not less than ten dollars nor more than one hundred dollars if the offence be not wilful,

Or of two hundred and fifty dollars if the offence be wilful,

And in every case of ten dollars for each day after the first that such violation shall continue,

Or by both such fine and imprisonment in the discretion of the court;

Provided, that the punishment for a violation of section one hundred and thirty-one of this act shall be a fine of fifty dollars;

And provided further, that the penalty for encumbrance of a fire escape by an occupant of the tenement house shall be a fine of ten dollars, which the nearest police magistrate shall have jurisdiction to impose.

Section 127.

VIOLATION OF BUILDING LAWS, ORDINANCES AND REGULATIONS.

Any owner, agent, architect, builder, contractor, subcontractor, or foreman who shall, in the construction or alteration of any building intended to be used as a tenement house, knowingly violate any of the provisions of the building laws, ordinances or regulations shall be guilty of a misdemeanor.

Section 128.

PROCEDURE.

Except as herein otherwise specified, the procedure for the prevention of violations of this act, or for the vacation of premises unlawfully occupied, or for other abatement of nuisance in connection with a tenement house, shall be as set forth in charter and ordinances.

Section 129.

LIENS.

Every fine imposed by judgment under section one hundred and twenty-six of this act upon a tenement house owner shall be a lien upon the house in relation to which the fine is imposed from the time of the filing of a certified copy of said judgment in the office of the clerk of the county in which said tenement house is situated, subject only to taxes, assessments and water rates and to such mortgage and mechanics' liens as may exist thereon prior to such filing;

And it shall be the duty of the department of health upon the entry of said judgment, to forthwith file the copy as aforesaid, and such copy, upon such filing, shall be forthwith indexed by the clerk in the index of mechanics' liens.

TITLE II.

REGISTRY OF NAMES AND SERVICE OF PAPERS.

Section 131.

REGISTRY OF OWNERS' NAMES.

Every owner of a tenement house and every lessee of the whole house, or other person having control of a tenement house, shall file in the department of health a notice containing—

His name and address, and also a description of the property, by street number or otherwise, as the case may be, in such manner as will enable the department of health easily to find the same;

And also the number of apartments in each house, the number of rooms in each apartment, the number of families occupying the apartments, and the trades or occupations carried on therein.

In case of a transfer of any tenement house, it shall be the duty of the grantor or grantee of said tenement house to file in the department of health a notice of such

transfer, stating the name of the new owner, within thirty days after such transfer.

In case of the devolution of said property by will, it shall be the duty of the executor and the devisee, if more than twenty-one years of age, and in case of the devolution of such property by inheritance without a will, it shall be the duty of the heirs, or in case all of the heirs are under age, it shall be the duty of the guardians of such heirs, and in case said heirs have no guardians, it shall be the duty of the administrator of the deceased owner of said property to file in said department a notice, stating the death of the deceased owner, and the names of those who have succeeded to his interest in said property, within thirty days after the death of the decedent, in case he died intestate, and within thirty days after the probate of his will, if he died testate.

Section 132.

REGISTRY OF AGENT'S NAME.

Every owner, agent, or lessee of a tenement house may file in the department of health a notice containing the name and address of an agent of such house, for the purpose of receiving service of process, and also a description of the property by street number or otherwise, as the case may be, in such manner as will enable the department of health easily to find the same. The name of the owner or lessee may be filed as agent for this purpose.

Section 133.

SERVICE OF NOTICES AND ORDERS.

Every notice or order in relation to a tenement house shall be served five days before the time for doing the thing in relation to which it shall have been issued.

The posting of a copy of such notice or order in a conspicuous place in the tenement house, together with the mailing of a copy thereof, on the same day that it is posted, to each person, if any, whose name has been filed

with the department of health in accordance with the provisions of sections one hundred and thirty-one and one hundred and thirty-two of this act, at his address as therewith filed, shall be sufficient service thereof.

Section 134.

SERVICE OF SUMMONS.

In any action brought by any city department in relation to a tenement house for injunction, vacation of the premises, or other abatement of nuisance, or to establish a lien thereon, it shall be sufficient service of the summons to serve the same as notices and orders are served under the provisions of the last section ;

Provided, that if the address of any agent whose name and address have been filed in accordance with the provisions of section one hundred and thirty-two of this act is in the city in which the tenement house is situated, then a copy of the summons shall also be delivered at such address to a person of proper age, if upon reasonable application admittance can be obtained and such person found ;

And provided also, that personal service of the summons upon the owner of such tenement house shall be sufficient service thereof upon him.

Section 135.

INDEXING NAMES.

The names and addresses filed in accordance with sections one hundred and thirty-one and one hundred and thirty-two shall be indexed under direction of the registrar of records of the department of health, in such a manner that all of those filed in relation to each tenement house shall be together, and readily ascertainable.

The board of health shall provide the registrar with the necessary books and clerical assistance for that purpose, and the expense thereof shall be paid by the city.

Said indexes shall be public records, open to public inspection during business hours.

TITLE III.

PROSTITUTION IN TENEMENT HOUSES.

Section 141.**VAGRANCY.**

A woman who knowingly resides in or commits prostitution in a house of prostitution or assignation of any description in a tenement house or solicits any man or boy to enter therein for purposes of prostitution shall be deemed a vagrant,

And upon conviction thereof shall be committed to a county jail for a term not exceeding six months from the date of commitment.

The procedure in such case shall be the same as that provided by law for other cases of vagrancy.

Section 142.**LIEN.**

A tenement house shall be subject to a penalty of one thousand dollars,

If it or any part of it shall be used for the purpose of a house of prostitution or assignation of any description, with the permission of the owner thereof, or his agent,

And said penalty shall be a lien upon the house and the lot upon which the house is situated.

Section 143.**PERMISSION OF LESSEE.**

If a tenement house, or any part thereof, shall be used for the purpose of a house of prostitution or assignation of any description with the permission of the lessee of the whole of said tenement house, or his agent,

The lease shall be terminable at the election of the lessor.

And the owner shall be entitled to recover possession of said tenement house by summary proceedings in the

manner provided by title two of chapter seventeen of the code of civil procedure.

Section 144.

PERMISSION OF OWNER.

A tenement house shall be deemed to have been used for the purpose specified in the last two sections with the permission of the owner and lessee thereof—

If summary proceedings for the removal of the tenants of said tenement house or of so much thereof as is unlawfully used, shall not have been commenced within five days after notice of such unlawful use, served by the department of health in the manner prescribed by law for the service of notices and orders in relation to tenement houses.

Section 145.

RULES OF EVIDENCE.

In a prosecution against an owner or agent of a tenement house under section three hundred and twenty-two of the penal code, or in an action to establish a lien under section one hundred and forty-two of this act,

The general reputation of the premises in the neighborhood shall be competent evidence, but shall not be sufficient to support a judgment without corroborative evidence,

And it shall be presumed that their use was with the permission of the owner and lessee; provided, that such presumption may be rebutted by evidence.

Section 146.

TITLE OF ACTION AND PARTIES.

Said action shall be brought against the tenement house as defendant.

Said house may be described in the title of the action by its street number, or in any other method sufficiently precise to secure identification.

The property shall be described in the complaint.

The plaintiff, except as hereinafter provided, shall be the department of health.

In case any taxpayer of any city to which this act applies, shall request such department in writing to institute an action under this title against any tenement house specified in such request, and such department shall not institute such action within ten days after receiving such request, then any taxpayer of said city may institute and maintain such action against such tenement house in his own name, and in such case the court may in its discretion require security for costs.

Section 147.

JURISDICTION AND PROCEDURE.

Said action shall be brought in the supreme court in the county in which the property is situated.

At or before the commencement of the action the complaint shall be filed in the office of the clerk of the county, together with a notice of the pendency of the action, containing the names of the parties, the object of the action and a brief description of the property affected thereby. Said notice shall be immediately recorded by the clerk in accordance with the provisions of section sixteen hundred and seventy-two of the code of civil procedure.

The owner or lessee of said building, or both, may appear in said action and answer or demur to the complaint and the subsequent proceedings in the action shall be the same as in other actions brought to establish a lien or encumbrance upon real property, and the action shall be entitled to a preference in the trial or hearing thereof.

Section 148.

JUDGMENT.

The judgment in such action, if in favor of the plaintiff, shall establish the penalty sued for as a lien upon said premises, subject only to taxes, assessments and water rates, and to such mortgage and mechanics' liens as may

exist thereon prior to the filing of the notice of pendency of the action.

Section 149.

SALE OF PROPERTY.

At any time after the entry of any judgment establishing a lien upon tenement property the department of health, if there be no stay pending appeal, may apply to the court for leave to sell such property.

Upon such application the court, if it deem advisable, may order such property to be sold at public auction, subject to taxes, assessments and water rates, and to such mortgage and mechanics' liens as aforesaid.

The deed to the purchaser shall be made by the department of health.

The justices of the appellate division of the supreme court of any judicial department may establish rules of practice, which shall be followed by such department of health in the conduct of said sales in said department.

Section 150.

RECEIVERSHIP.

Whenever the lien or liens upon a tenement property, established by judgment, shall amount to one thousand dollars or over, if there be no stay pending appeal, the department of health shall appoint a receiver of the rents and profits of said property.

Said receiver shall give security for the performance of his duties in the manner and form fixed by said department.

He shall have the powers and duties of a receiver of rents and profits of real estate appointed by the supreme court; provided, that the corporation counsel shall act as his counsel and that he shall not be allowed any expenditure for counsel fees, and provided, that his commissions shall be ten per centum of his collections, which sum shall be full compensation for his services and those of any agent or agents whom he may employ.

Said receivership shall continue until the amount of said liens, with interest thereon at the rate of six per centum, and of said commissions, have been fully paid;

Provided, that nothing in this section shall be construed to prevent any prior lienor from applying to the court in a proper case for a receiver of the property.

Section 151.

CANCELLATION OF NOTICE OF PENDENCY OF THE ACTION.

If an action to establish a lien upon tenement property terminate otherwise than in a judgment establishing such a lien, or if said judgment be fully paid, said notice may be cancelled in the manner prescribed by section one thousand six hundred and seventy-four of the code of civil procedure.

CHAPTER VI.

GENERAL PROVISIONS.

Section 161.

REPEAL.

All statutes of the state and ordinances of the city so far as inconsistent with the provisions of this act are hereby repealed;

Provided, that nothing in this act contained shall be construed as repealing or abrogating any present law or ordinance in any city of the first class, further restricting or prohibiting the occupation of cellars, or increasing the amount of air space to each individual occupying a room, or as prohibiting any future ordinance in respect thereto.

Section 162.

BUILDING REGULATIONS.

Except as herein otherwise specified, every tenement house shall be constructed and maintained in conformity with the existing law,

But no ordinance, regulation or ruling of any municipi-

pal authority shall modify or dispense with any provision of this act.

Section 163.

PENALTIES.

All penalties collected under this act shall be paid into the city treasury.

Section 164.

TIME FOR COMPLIANCE.

All alterations hereby required upon now existing tenement houses shall be made within one year from the time when this act shall take effect,

Or at such earlier period as may be fixed by the departments charged with the enforcement of this act.

Section 165.

WHEN TO TAKE EFFECT.

This act shall take effect immediately;

Provided, that sections one hundred and thirty-four and one hundred and forty-four shall not take effect until three months after the passage thereof.

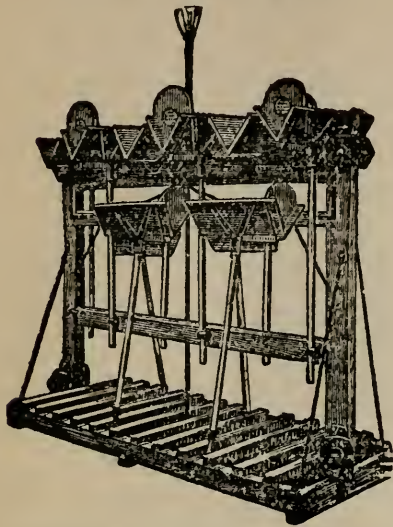


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