



Residential Occupancy Permit Guide

A GUIDE TO THE CITY OF ALBANY RESIDENTIAL DWELLING
REGISTRY AND RESIDENTIAL OCCUPANCY PERMITS.

Prepared by the City of Albany Department of Buildings &
Regulatory Compliance

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Introduction

Issuance of residential occupancy permits makes up a large percentage of the work done by the City of Albany Department of Buildings & Regulatory Compliance. Given the volume and complexity of the laws that apply to residential dwellings, it is not surprising that we receive a large number of calls from individuals with questions about residential occupancy permits. This guide is meant to answer the most commonly asked questions about residential occupancy permits and provide the actual laws that most commonly come into play during a residential occupancy permit inspection.

At their core, residential occupancy permits are meant to 1) ensure that rental dwelling in the City are safe, and 2) ensure that the City has the best contact information for the owners of rental properties which may be used in the event of an emergency.

While it is our hope that this guide will help answer your questions about residential occupancy, we understand that you might find yourself in a unique situation not covered here. *We are always happy to answer your questions by phone at (518) 434-5995, by email at codes@albanyny.gov, or in person at our offices at 200 Henry Johnson Blvd on weekdays between 8:00AM and 4:30PM.*

Because laws change and because we always strive to improve our operations, this guide will be updated regularly.

1. GENERAL INFORMATION ABOUT RESIDENTIAL OCCUPANCY PERMITS (ROPs)

According to Albany City Code [Chapter 231](#) (reproduced below) landlords must obtain a Residential Occupancy Permit (ROP) and register each of their rental dwelling units on the City of Albany Rental Dwelling Registry every thirty months for each of the units they rent. To obtain an ROP, the unit must pass an inspection by one of our Code Enforcement Officers.

a. ROP Inspection Scheduling and RDR Cost

To register a unit on the Rental Dwelling Registry and to obtain a Residential Occupancy Permit, the building owner must submit a Rental Dwelling Registry Form, which is available on our website, and pay the inspection fee of \$50 per unit. An inspection cannot be scheduled until the fee is paid. Though our form asks for a requested date of inspection, someone from our Department will contact you to confirm the inspection. If we're unable to reach you, an inspection will not be scheduled.

The cost of the inspection and registration is \$50 per unit for the first two inspections (if a second inspection is needed) and \$50 per inspection per unit thereafter. There is also a \$50 fee applied if no one is at the property to let the inspector into the building at the time of the scheduled inspection or if the inspection was cancelled within 24 hours of inspection.

Dwellings with only one rental unit which are owned and occupied by individuals more than 65 years of age are exempt from the fee.

A follow up inspection is included with the initial fee where violations are discovered during an ROP inspection. We also have a policy of granting extensions to comply where appropriate. For more on that policy see the section on extensions in this guide.

The Rental Dwelling Registration Form asks when you would like your inspection to occur. We are almost always able to schedule an inspection for the time indicated. However, if you are not submitting the form and fee in person please provide at least seven days in which we can arrange for payment of the necessary fee and the inspection. One of our staff will contact you to confirm the inspection date and time. If we are not able to reach you, no inspection will occur and no ROP will be issued.

We schedule inspections in hour windows because the nature of building inspections and the fact that we often must respond to emergencies makes it impossible for our Code Enforcement Officers to guarantee they can be at an inspection at a specific time of day. Regardless, the day of the inspection our Code Enforcement Officers will do their best to coordinate with whoever scheduled the ROP inspection to have the inspection occur at a time that fits the registrant's schedule.

Our inspectors will arrive during that hour window. If the person who called for the inspection or their agent does not answer our knock on the door, the Code Enforcement Officer will call the number of the contact, if it is available, or continue to knock on the door. The Code Enforcement Officer will remain at the property for at least five minutes while trying to make contact with the person who scheduled the inspection or their agent. If the Code Enforcement Officer is not provided access in those five minutes, a notice will be left at the front door of the property stating that we attempted to conduct the inspection but were not provided access.

b. How to Pass an ROP Inspection (The Seven Inspection Points)

To pass an inspection, *the rental dwelling unit must comply with the NYS Uniform Code and the Code of the City of Albany*. You will see below in the "Relevant Codes" section of this guide that we have provided the text of the most relevant City Codes and NYS Uniform Codes that come into play during an ROP inspection.

While the assigned Code Enforcement Officer will seek to correct all code violations that come to her or his attention, below are the seven things a Code Enforcement Officer is actively looking to confirm are up to code in each dwelling unit during an ROP inspection.

1. ***Smoke and Carbon Monoxide Detectors*** – The Code Enforcement Officer will confirm that there are working smoke and carbon monoxide detectors in the unit.
 - Smoke detectors must be in each sleeping room, in the corridor outside a sleeping room, outside a bathroom containing a shower, and near cooking appliances. There must also be at least one smoke detector on each floor.

- Carbon monoxide detectors must be in every sleeping room, in the corridor outside sleeping rooms and on the floor of all potential sources of carbon monoxide (any fuel burning appliance).
2. ***Open Means of Egress*** – In all but a few rare cases, there must be at least two ways of getting out of a residential unit in the event of an emergency. These ways out must be properly lit, clear of debris and cannot be blocked by doors that require special knowledge or a key to open from the inside of the building.
 3. ***General Cleanliness*** – The residential unit must be free of rubbish, garbage, and hazardous materials, there must be a trash disposal receptacle, and the unit must be free of animal infestation.
 4. ***Security*** – Doors to the residential unit must be lockable and in good working order. Albany City Code also requires that residential unit doors be equipped with optical viewers.
 5. ***Building Structure*** – The building itself must be in good condition. The Code Enforcement Officer will examine the building’s foundation and other structural members for signs of failure.
 6. ***Electricity*** – The unit’s electrical systems must be functional and safe. The Code Enforcement Officer will check to make sure that outlets and switches are properly covered, wires are not illegally exposed, and that extension cords are not being used as permanent electrical hook-ups.
 7. ***Running, Clean Water*** – The Code Enforcement Officer will check to ensure that the dwelling unit has clean, running water.

These seven inspection points are a starting-off point for ROP inspections of units which appear to be compliant. Additional information will lead to a deeper review of the unit. For instance, if the unit is unusually cold or if a tenant reports a lack of heat, the ROP inspection will encompass the unit’s heat supply system. The discovery of mold or water damage while checking for cleanliness may result in an inspection of the plumbing fixtures. A full list of the laws that apply to residential properties is included the “relevant codes” section below.

c. Addressing Violations

If a code violation is discovered during an ROP inspection, the building owner or their designated agent will be notified. This is typically done both at the time of the inspection and through the issuance of a formal ***notice of violation*** which ***is sent to the owner by mail***. However where the property owner is willing and able to quickly remedy a small, non-life threatening violation, the code enforcement officer may arrange for a follow-up inspection later the same the day or the next day without issuing a formal written notice of violation.

The notice of violation, if issued, will contain a reinspection date set about thirty days out from the discovery of the violation and a description of the violations at the property which need to be remedied. If additional time is needed to remedy certain violations, ***extensions to comply are generally granted if requested in writing and the violation does not pose a safety threat.***

i. *Informal Resolution*

Our chief goal as a Department is to educate City of Albany residents about the code, why it is important, and how it can be followed. We avoid or minimize formal enforcement when an opportunity presents itself to achieve code compliance through education.

If the violation is easy to remedy, the Code Enforcement Officer may verbally advise the owner or the owner's agent of the violation and set up a time to come back later that day or the next day to ensure compliance if the violation can't be remedied right then and there. For instance, if a smoke detector simply needs new batteries, the Code Enforcement Officer may provide an opportunity for the owner or their agent to refill them instead of issuing a formal notice of violation.

ii. *Extensions*

If violations are discovered during an inspection and you've received a written notice of violation but need more time to comply, you can request an extension by contacting the Buildings Department in person at 200 Henry Johnson Blvd, by phone at (518) 434-5995, or email at codes@albanyny.gov. For record keeping purposes and to avoid confusion, ***we can only grant extension requests submitted by writing or by email.***

Extension requests are more likely to be granted where the violation is difficult to address, does not pose a health or safety risk, or the property owner is making sincere efforts to address the violation. The length of the extension also depends on these factors.

It is important to note that the Buildings Department does not have the authority to grant property owners a "grace period" in which they are permitted to violate code, but we understand that compliance can take time. This is why, except in extreme cases, we give property owners at least thirty days to fix violations before we seek a penalty and grant extensions when appropriate.

It is also important to note that ***an extension request is not a guarantee by the Buildings Department that the violation is not a safety risk.*** While the Buildings Department does enforce the City Code and NYS Uniform Code, we cannot guarantee that any property we inspect is safe. Code violations may be hidden from plain view by their very nature or intentionally by the violator. The NYS Uniform Code is also only the bare minimum standard of safety set out by law. For these reasons members of the public should always use their own common sense and judgment when assessing risks in their surroundings.

iii. *Prosecution*

In the very rare event that an ROP inspection uncovers a violation that is not timely addressed, the Buildings Department will seek a fine for unaddressed violations in Albany City Court. The first step in this process is that our Code Enforcement Officers will draft paperwork for the Court which describes the ongoing violations and asks the Court to impose a fine.

This same paperwork is sent to the building owner and contains a date on which the building owner is required to appear in court. Even after this step has been taken, the Buildings Department is willing to work with property owners on remedying code violations. Most cases which reach this point are resolved informally.

Extensions, however, can no longer be granted by the Building Department once a violation has been referred to court as the matter is now on the Court's calendar. ***To receive an extension for a matter that has gone to Court, the building owner should contact the City of Albany Corporation Counsel's office at (518) 434-5050.***

A fine of up to \$1,000 per day per code violation may be imposed by the court if a property owner willfully fails to appear or comply with the law.

iv. *NYS Uniform Code Variances*

The Buildings Department cannot exempt a building from the NYS Uniform Code. Such an exemption can only be obtained by getting a variance from the New York State Division of Building Standards & Code, which has the sole authority to grant variances from the NYS Uniform Code which may be reached at (518) 474-4073.

d. Consequences of Not Obtaining an ROP

A landlord in the City of Albany is not entitled to rent for a unit that does not have a residential occupancy permit and therefore cannot evict a tenant for failure to pay rent where no residential occupancy permit has been obtained. The law is also applied, however, to entitle a landlord to past rent once the ROP has been obtained. Many tenant housing subsidies are conditioned on the unit's having an active ROP. Finally, renting without an ROP is an Albany City Code violation and is subject to a fine if the matter proceeds to court. For a further discussion of the code enforcement process, see above.

e. How to Check if You Have an ROP

The Buildings Department publishes an updated list of active ROPs on a weekly basis on our [departmental website](#). You may also contact the Buildings Department in person at 200 Henry Johnson Blvd, by phone at (518) 434-5995, or email at codes@albanyny.gov to see whether a residential unit has an ROP.

f. Subsequent Code Violations

The Buildings Department does not have the authority to revoke an ROP based on a code violation which occurs after an inspection. The rules regarding ROPs, which can be found

below, do not provide for a revocation procedure. An ROP is not, however, an allowance to violate the Albany City Code or the NYS Uniform Code. Those violations are still subject to our code enforcement process even if the unit where the violations are found has an active ROP.

g. ROP Expiration Reminders

Unfortunately, the Buildings Department does not have the ability to issue ROP expiration notices as of this writing. This is something we are looking to implement in the first half of 2017. You may, however, check to see if an apartment has an ROP by checking the list on our [departmental website](#).

2. RESPONSIBILITIES OF LANDLORDS & TENANTS

Both the landlord and tenant bear responsibility for the upkeep of a building. Maintaining property in a manner consistent with the law requires cooperation and coordination between the two. Regardless of whose responsibility a code violation may be, the Buildings Department cannot issue an ROP for a unit with an unaddressed code violation.

a. Who Receives a Citation

Though both landlords and tenants have obligations under the City of Albany Code and the NYS Uniform Code, the landlord's responsibilities are greater than those of the tenant. The nature of the landlord-tenant relationship is that the tenant is often more able to walk away from a property without remedying a code violation. It is also the case that the violations of one tenant will impact other tenants and that the landlord is the only one able to work with the non-compliant tenant to protect innocent tenants. The landlord is also the only one who can coordinate the actions of multiple tenants, which may be needed if the violation exists throughout the building.

Because our job is to ensure compliance, we are obligated for all these reasons to include the building owner in any notice of violation that we issue as the result of an ROP inspection. However, we know that coming into compliance when the landlord tenant relationship has broken down is difficult. *If you are a landlord who finds yourself unable to come into compliance due to the action or inaction of a hostile tenant, we will grant reasonable extensions before seeking a fine so long as the relationship is being repaired or terminated.*

We will cite the tenant where the tenant is responsible for the underlying violation in an area under their control. This may include failure to maintain an apartment in a clean and sanitary manner, removing smoke or carbon monoxide detectors, or infestation. Where there is no evidence that the tenant caused the violation, however, we will not cite the tenant for that violation.

b. Resolving Disputes Between a Tenant and a Landlord

The Department is often asked to intervene in landlord/tenant disputes during the ROP scheduling and inspection process. We can't settle a dispute between a tenant and landlord

because we have no authority over the landlord-tenant relationship. We cannot evict a tenant, rule that a tenant does not have to pay rent, order a landlord not to evict a tenant, or order a landlord to reimburse a tenant for damaged property. That kind of relief can only be obtained in a court of law.

c. **List of Tenant and Landlord Responsibilities**

What follows is a list of responsibilities setting out what the Buildings Department generally expects of tenants and landlords. Every situation and every property is unique, however, so this list may or may not apply to a given situation. You will also see that there are several responsibilities that fall on both the tenant and the landlord and so the parties should work together whenever possible to ensure a building is maintained in compliance with the law.

i. **Landlord Responsibilities**

1. limiting occupancy to the maximum number of persons permitted and prohibiting unlawful uses;
2. maintenance of the premises in a clean, safe and sanitary condition;
3. maintenance of the operation of service facilities in good order and condition;
4. maintenance of plumbing, heating and electrical equipment and systems, appliances, fixtures, as well as other building equipment and facilities, in an appropriate, good operative, clean and sanitary condition;
5. maintenance of walls, floor and ceiling in public places in a clean and sanitary condition;
6. keeping exits free and clear; and
7. disposing of garbage, refuse and junk in a safe and sanitary manner and keeping the premises free and clear therefrom, and broom-clean, and extermination of insects, vermin, rodents, pests and elimination of harborage.

ii. **Tenant Responsibilities**

1. occupancy limitations and its lawfully permitted use;
2. maintenance in a clean, safe and sanitary condition;

3. maintenance of plumbing, cooking and refrigeration equipment, appliances, fixtures and facilities in a clean and sanitary condition, and providing reasonable care in the operation and use thereof;
4. keeping exits free and clear;
5. disposing of garbage and refuse into provided facilities in a sanitary manner, and keeping the premises free and clear therefrom; and
6. keeping domestic animals and pets in an appropriate manner and under control.

3. RELEVANT CODES

Both the City of Albany Code and the NYS Uniform Building Code are too extensive to reprint here. However, it is possible to present the most relevant and commonly cited portions of the code that are most relevant to ROP inspections. We've organized the citations by topic.

With respect to citations for the NYS Uniform Code (also known as the NYS Uniform Fire and Building Code), the citations below are drawn from the NYS Property Maintenance Code and the NYS Fire Code. These are the two volumes of the NYS Uniform Code which apply most directly to the maintenance of residential property.

In many cases both the Albany City Code and the NYS Uniform Code will have similar regulations but there are a lot times where the NYS Uniform Code will regulate something that the Albany City Code does not or vice versa. Where both the Albany City Code and the NYS Uniform apply to a certain area, both codes are provided. If only one or the other applies, the code that applies will be printed.

i. Residential Occupancy Permit

Below is the text of the Albany City Code governing and establishing the residential occupancy permit and rental dwelling registry:

§231-128 – *Title.*

This Part 4 shall be known as the "Residential Occupancy Permit Provisions" and is supplementary to applicable provisions of the Housing Code of Albany, New York.

The purpose and scope is to provide uniform administration and compliance with the requirements of this Part 4 applicable to residential occupancy permits and to establish the responsibilities of parties concerned therewith.

§231-129 – *Purpose and scope.*

§231-130 – *Inspection and certification of premises.*

A. General.

(1) All residential rental dwelling units shall be inspected and certified by the Department of Buildings and Regulatory Compliance (hereinafter "the Department"), which shall determine compliance with, administer and enforce all applicable provisions of this code and the Code. On and after November 1, 1996, residential occupancy permits shall be valid for 30 months from the date of issuance.

(2) Nothing contained herein shall be construed or operate to invalidate an otherwise legally effective permit or certificate issued prior to November 1, 1996, except that such permit or certificate shall be valid only until May 31, 1999, or a change in the tenancy of the residential rental dwelling unit to which the permit or certificate relates, whichever first occurs.

(3) Except as otherwise provided herein, it shall be unlawful and a violation of this chapter to rent, lease or otherwise allow the occupancy of any residential rental dwelling unit without the inspection and certification as required herein.

(4) If, upon inspection, said premises do not comply with all applicable provisions of this code or the Uniform Code, the specific reasons for noncompliance shall be specified in writing in a notice and order, as provided in § 231-108. The notice and order shall be served as set forth in Chapter 133A of this Code.

Occupants or proposed occupants of dwellings shall have the right to inspect the certificate of occupancy of the residential rental dwelling unit, apartment or multiple residence in which they have an interest at no cost.

B. On or after November 1, 1996, the Department shall have the right to inspect all or any part of the rental dwelling, including any unit or apartment, or entire multiple residence as required herein and/or upon complaint, except that the owner, agent or person in charge thereof shall have the right to insist upon the procurement of a search warrant from a court of competent jurisdiction by the Chief of the Department, or his or her designee, in order to enable such inspection. The officials charged with conducting the inspection pursuant to this Part 4 shall be required to obtain a search warrant whenever an owner, agent or person in charge refuses to permit a warrantless inspection of the premises after having been advised that he or she has a constitutional right to refuse entry of the officials without a search warrant.

C. The officials charged with conducting the inspection shall make such inspection, access and circumstances permitting, within three business days of receipt of a request from the owner, agent or occupant.

D. An owner, agent or occupant may file with the Department a request for such inspection and the issuance of a residential occupancy permit by regular mail or in person at the office of the Chief of the Department.

E. Nothing in this Part 4 shall be construed to limit the right of the Department to inspect any property at any time. If, after issuing a residential occupancy permit, the Department receives a complaint alleging a violation of this chapter, other than a violation that creates an imminent hazard to the public health or to the physical or mental health of the occupants of the rental property, the Department shall make a good faith effort to notify the owner or agent of the complaint by either telephone or regular mail, before conducting an inspection under this chapter, and shall provide to the owner or agent one working day to explain what steps the owner or agent is taking to correct the violation. The Department may take steps necessary, by inspection or other means, to assure that the violation is corrected.

F. No residential occupancy permit shall be issued under this Part 4 unless and until the fee(s) required under Part 5 of this chapter is paid in full to the Department.

G. No residential occupancy permit shall be issued under this Part 4 unless the rental dwelling unit is an authorized use pursuant to Chapter 375, Zoning, and until all other applicable provisions and requirements of the Code of the City of Albany are complied with and met.

§231-131 – *Collection of rents.*

No owner, agent or person in charge shall collect rents during any period of noncompliance with the provisions of this part which would otherwise be due and owing for the rental of premises unless and until he or she shall have complied with the

provisions herein. Nothing herein shall be construed to prevent a landlord, upon receipt of the residential occupancy permit, from receiving the equitable value of the occupancy of the premises from the earliest date of occupancy, but in no event shall a landlord recover in excess of the agreed rent.

§231-132 – *Applicability.*

The provisions of this Part 4 shall not apply to dwellings designed and used exclusively for occupancy as hotels, motels, transient homes or establishments of like nature.

§231-133 – *Temporary residential occupancy permit.*

The Department may cause to be issued at its discretion a temporary occupancy permit following an initial inspection, which temporary occupancy permit shall be subject to review and revocable at the discretion of the Department. No temporary occupancy permit may be issued in cases where fire safety is involved, such as defective electrical wiring, the absence of either an operating smoke detector or, after October 1, 1996, a carbon monoxide detector where required, or improper or inadequate means of egress and other conditions of like nature.

§231-134 – *Penalties for offenses.*

Any person who shall knowingly and willfully violate or assist in the violation of this Part 4 or who fails to comply with a notice and order issued by the Department under this Part 4 shall, upon conviction, be punished as set forth in Chapter 133A of this Code.

§231-135 – *Fees.*

A. The following schedule of fees shall apply with respect to the inspection and certification of residential dwelling units:

(1) There shall no charge for an initial inspection to determine compliance with the applicable provisions of this code or for a first reinspection.

(2) Any and all subsequent reinspection(s) necessary to determine compliance with required corrective action or repairs shall be subject to a charge of \$50 per unit inspected.

(3) Failure to appear within 15 minutes of a scheduled inspection ("no show") shall result in a fee of \$50 per unit.

(4) Cancellation of a scheduled inspection less than 24 hours before that scheduled inspection ("late cancellation") shall result in a fee of \$50 per unit.

(5) Cancellation of a scheduled inspection for the unit more than once or after a "no show" ("second cancellation") shall result in a fee of \$50 per unit.

B. Fees prescribed under this section for failure to appear at, and cancellation of, a scheduled inspection may be waived at the discretion of the Commissioner or his or her designee for good cause shown.

C. Unpaid fees shall be subject to the placement and recording of a lien by the

City of Albany against the inspected property.

§231-139 – ***Registry of rental dwellings required.***

All rental dwellings shall be registered with the City by the owner as required herein.

§231-140 – ***Reregistration.***

All owners shall reregister a certified rental dwelling prior to expiration of the residential occupancy permit as required by Part 4 of this chapter.

§231-141 – ***Registration of existing and new rental dwellings.***

A. All rental dwellings existing as of the effective date of this chapter shall be registered on or before November 1, 1996. The Administrator may require and order registration prior to that date for any dwelling cited in a notice under the City Code. Failure to comply with such an order is a violation of this chapter.

B. The owner of a new rental dwelling or any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental unit.

§231-142 – ***Change in registration information.***

A. The owner of any rental dwelling already registered with the City shall reregister immediately after any change occurs in registration information.

B. Upon sale or transfer of title to a piece or parcel of land located in the City of Albany

on which a rental dwelling unit is located, the purchaser shall provide a new rental dwelling property application to the Department of Buildings and Regulatory Compliance at the time of closing.

C. The new owner of a rental dwelling unit must schedule an inspection of the rental unit or units with the Department of Buildings and Regulatory Compliance.

§231-143 – ***Registration of rental dwellings.***

The City shall maintain a registry of all rental dwellings and rental units containing the following information which shall be provided by the owner on forms available from the Department of Fire and Emergency Services:

A. The name, legal residence address and telephone number of the owner and any agent in control of the rental dwelling, and, in the event the owner or agent is not a natural person, then the owner information shall be that of the president, general manager or other chief executive officer of the organization. Where more than one natural person has an ownership interest, the required information shall be included for each owner. The information required herein shall also include the address and phone number where the owner(s), agent(s) and/or responsible person(s) may be reached day and night.

B. The number and type of rental units in the dwelling.

C. The address of the rental dwelling.

D. The date of birth of the owner or owners of the rental dwelling for those seeking an exemption of the filing fee requirement as provided under this part.

E. The employer identification number in the event that the rental dwelling is owned by a corporation.

F. If neither the address of the owner or the address of the agent in control of the premises, as provided in Subsection A, are within Albany County, the name, legal residence or business address within Albany County and telephone number of a natural person who shall be an agent for service of notices and orders issued under this chapter and for service of process in connection with the prosecution of violations of this chapter in Albany City Court or other court of competent jurisdiction.

§231-144 – ***Fees; exemptions.***

A. To offset the administrative costs of preparing and maintaining the registry and conducting the inspections required under Part 4 of this chapter, there shall be a per-unit fee of \$50 for the initial and each subsequent registration.

B. Owner-occupied rental dwellings containing not more than one rental unit owned by one or more natural persons, all of whom are aged 65 years or older, are exempt from the filing fees set forth herein.

§231-145 – *Failure to register; inaccurate or incomplete information.*

It shall be a violation of this chapter for an owner or a responsible person to provide inaccurate information for the registry of rental dwellings or to fail to provide the information required herein for the registry.

ii. Trash Storage & Accumulation

Trash accumulation and storage violations occurring in the exterior of a property are typically handled by the City of Albany Department of General Services which has the authority and ability to physically remove trash and debris on five days’ notice and to bill the owner. Still, trash-related violations may also form the basis of a citation by the Buildings Department.

1. *Albany City Code (Trash Storage & Accumulation)*

§313-5 – *Collection points and schedules.*

...

B. Refuse for collection must be placed at curbside prior to 12:01 a.m. on the scheduled collection day, but not before 4:30 p.m. of the prior day.

§231-94 – *Garbage and refuse.*

A. Exterior property area shall be kept free from organic and inorganic material that might become a health, accident or fire hazard.

B. Adequate sanitary facilities and methods shall be used for the collection, storage and handling and disposal of garbage and

§231-146 – *Penalties for offenses.*

An owner who fails to register, reregister or otherwise comply with the provisions of this Part 5 shall, upon conviction, be subject to the penalties set forth in Chapter 133A of this Code.

rubbish. It shall be prohibited to store or accumulate garbage or rubbish in halls or stairways. Every dwelling and every dwelling unit shall be provided with such receptacles as may be necessary to contain all garbage and rubbish, and all such receptacles shall be maintained in good repair. Receptacles for garbage shall be made of durable material, shall be watertight and shall be provided with tight-fitting covers.

C. No person shall kindle any fire or furnish any material for any fire nor authorize such fire in any street, lane, alley or any vacant lot.

2. *Property Maintenance Code (Trash Storage & Accumulation)*

Under the NYS Property Maintenance Code “garbage” is food waste while “rubbish” applies to all other types of trash. Because “garbage” and “rubbish” present their own unique health and safety challenges, they are treated differently in the NYS Uniform Code.

§308.1 – *Accumulation of Rubbish & Garbage.* Exterior property and premises, and the interior of every structure, shall be

free from any accumulation of rubbish or garbage.

§308.2 – *Disposal of Rubbish*. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

§308.2.1 – *Rubbish Storage Facilities*. The owner of every occupied premises shall supply approved covered containers for

rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

§308.3 – *Disposal of Garbage*. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

b. Exterior

Below are a list of the most commonly cited City of Albany and NYS Uniform Codes which relate to exterior property areas.

i. General

1. *General Exterior – Albany City Code*

§231-91 – *Open areas*.

A. Stormwater shall be properly drained to prevent recurrent entrance of water into any basement or cellar.

B. Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds. Gutters, culverts, catchbasins, drain inlets, stormwater sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where deemed necessary.

C. Fences and other minor structures shall be maintained in a safe condition.

D. Steps, walks, driveways, parking spaces and similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.

E. Yards, courts and lots shall be kept free and clear of physical hazards and material or

debris which would cause a fire hazard or act as a breeding place for vermin or insects.

F. Heavy undergrowths and accumulations of plant growth noxious or detrimental to health shall be eliminated.

G. Exterior property areas shall be free from conditions which might create a health, accident or fire hazard.

H. Exterior property areas shall be reasonably free from holes and excavations, sharp protrusions and other objects or conditions which might cause personal injury. Walks, steps and driveways that contain holes or tripping hazards shall be filled, repaired or replaced as the need indicates. Open wells, cesspools or cisterns shall be securely closed. Trees or limbs of trees that constitute a hazard shall be removed.

I. Sewage must be discharged into a public sewer system except as specially permitted by the authority having jurisdiction in accordance with the New York State Public

Health Law and the Albany County Sanitary Code. Discharge of inadequately treated sewage shall not be permitted upon the

surface of the ground or into natural or artificial surface drainways.

2. *General Exterior – NYS Property Maintenance Code*

§302.6 – **Exhaust Vents.** Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

§302.7 – **Accessory Structures.** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

§304.3 – **Premises Identification.** Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

ii. Exterior Structure

The following codes are those that apply to the visible exterior structure of a building.

1. *Exterior Structure – NYS Property Maintenance Code*

§304.1 – **General (Building Structure).** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

§304.5 – **Foundation Walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

§304.6 – **Exterior Walls.** All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

§304.8 – **Decorative Features.** Cornices, belt courses, corbels, terra cotta trim, wall

facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

§304.9 – **Overhang Extensions.** All overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

§304.10 – **Stairways, Decks, Porches, & Balconies.** Every exterior stairway, deck, porch and balcony, and all appurtenances

attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

§304.11 – ***Chimneys & Towers***. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic

application of weather-coating materials, such as paint or similar surface treatment.

§304.12 – ***Handrails & Guards***. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

§304.13 – ***Window, Skylight, & Doors Frames***. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

iii. Paint

Featured below are only those codes related to painting that can be found in the NYS Property Maintenance Code. The painting regulations in the Albany City Code are dispersed and related to particular zoning districts. It should be noted that restrictions on paint colors which will apply in historic or overlay districts are administered by the Historic Resource Commission or Planning Board and aren't explicitly set out in the Albany City Code.

1. *Paint – NYS Property Maintenance Code*

§302.9 – ***Defacement of Property***. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

§304.2 – ***Protective Treatment***. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and

decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

iv. Outdoor Property Maintenance & Sanitation

While the Buildings Department may cite a property for overgrowth, these citations are generally referred to the Department of General Services. This is because the Department of General Services has the authority and ability to cut back overgrowth and bill the owner on five

days' notice, whereas our citations are issued on 30 days' notice and we lack the ability or authority to trim back overgrown vegetation.

1. *Outdoor Overgrowth & Sanitation – Albany City Code*

§231-91 – **Open areas.**

...

E. Yards, courts and lots shall be kept free and clear of physical hazards and material or debris which would cause a fire hazard or act as a breeding place for vermin or insects.

F. Heavy undergrowths and accumulations of plant growth noxious or detrimental to health shall be eliminated.

G. Exterior property areas shall be free from conditions which might create a health, accident or fire hazard.

...

2. *Outdoor Overgrowth & Sanitation – NYS Property Maintenance Code*

§302.1 – **Sanitation.** Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

§302.3 – **Sidewalks & Driveways.** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be

kept in a proper state of repair, and maintained free from hazardous conditions.

§302.4 – **Weeds.** Premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

v. Parking & Vehicle Storage

Complaints about parking on a public right of way should be referred to the Police Department. However, there are Codes which the Buildings Department may enforce as they relate to parking on private property.

1. *Parking & Vehicle Storage – Albany City Code*

§359-66 – **Abandoned Vehicle.** It shall be unlawful to park, store or leave in the open or to abandon a junk vehicle upon private property for a period of more than one week except as permitted by license pursuant to § 136 of the General Municipal Law as enacted by Chapter 1040 of the Laws of 1965, unless the same is necessary for the

operation of a business enterprise lawfully upon said premises.

§375-15 – **Parking on Unimproved Surfaces.** The parking or storage of vehicles upon lawns or other unimproved areas shall not be permitted on any lot improved by a dwelling structure in a residential district.

§375-182 – **Parking Commercial Vehicles in Residential Districts.** No more than one commercial vehicle may be kept on any

residential lot, and it shall be stored in a garage. Trailers may only be stored in a rear yard or garage.

2. *Parking & Vehicle Storage - NYS Property Maintenance Code*

§302.8 – **Motor Vehicles.** Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be

in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

vi. Barbecues & Fire Pits

It is critical when you have an open fire or barbecue near a building that you consider your surroundings. Wind, for example, can kick up embers from even small fires or barbecues, and drop them in places where a fire may spread. When operating a barbecue or other open fire, you should always have someone attending the fire, you should always have some means at hand to put out a fire, and you should always look for and remove nearby combustible materials.

To report an illegal fire you should contact the Albany Fire Department by dialing 911.

1. *Barbecues & Fire Pits – Albany City Code*

§197-5 – **Fires in Yards & Buildings.** No person shall kindle, make or keep a fire in any yard or building in the City unless in a wire, steel, concrete, brick or other fireproof enclosure or receptacle. . . . Any fire kindled or built outside of any building shall be at least 25 feet from any wood structure,

and in no event shall such fire be built within 10 feet of any type of structure. . . . In no event shall this article be construed to permit the burning of garbage or any material which would produce noxious odors.

c. Interior

i. Building Structure

1. *Building Structure – NYS Property Maintenance Code*

§305.1 – **Interior Structure (General).** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of

a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

§305.2 – **Structural Members.** All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

§305.3 – **Interior Surfaces.** Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

§305.4 – **Stairs & Walking Surfaces.** Every stair, ramp, landing, balcony, porch, deck or

other walking surface shall be maintained in sound condition and good repair.

§305.5 – **Handrails & Guards.** Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

§305.6 – **Interior Doors.** Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

ii. Cleanliness & Sanitation

1. *Cleanliness & Sanitation – NYS Property Maintenance Code*

§308.1 – **Accumulation of Rubbish & Garbage.** Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

§308.2 – **Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

§308.2.1 – **Rubbish Storage Facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

§308.3 – **Disposal of Garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

§404.7 – **Food Preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

iii. Infestation (including bed bugs)

Infestation can be a very difficult code violation to remedy and is often a source of tension between landlords and tenants. The Buildings Department's policy with respect to infestation is to cite the owner of the building in the event we find an infestation and cite the

tenant where the tenant is at fault for the infestation. Regardless, we cannot issue an ROP for a residential unit we have found to be infested.

Whether a tenant is responsible for infestation depends on several factors including the cleanliness of the areas under the tenant's control, how long the tenant has occupied their apartment, and whether it is a single or multi-family residence.

We will always cite the owner because it is ultimately the owner who has the authority to remedy an infestation properly by, among other things, gaining access to other units. It is also often the case that the infestation was caused by a tenant in the building who is not the complaining tenant and in such cases the landlord is the only one who can finally remedy the situation.

The most common type of infestations reported to the Buildings Department are bed bug infestations. *There are no special rules regarding bed bugs that require a uniquely strenuous extermination procedure or which require extermination on an expedited basis.* We understand, however, the nature of bed bug infestations and apply appropriate scrutiny to claims that the infestation has been eliminated.

1. *Infestation – Albany City Code*

§231-91 – **Open areas.**

...

E. Yards, courts and lots shall be kept free and clear of physical hazards and material or debris which would cause a fire hazard or act as a breeding place for vermin or insects.

...

§231-93 – ***Infestation and screening.***

A. Grounds, buildings and structures shall be maintained free of insects, vermin and rodent harborage and infestation. Methods used for exterminating insects, vermin and rodents shall meet the generally accepted practices of the industry and shall be in accordance with the manufacturer's specifications.

B. Where the potential for rodent infestation exists, windows and other openings in basements and cellars shall be appropriately rat proofed with wire or other suitable materials.

C. From May 1 to November 1, entrance to residential buildings shall be provided with self-closing-type devices, or screens and windows or other openings used for ventilation shall be appropriately screened. Screens shall not be required in rooms located sufficiently high in the upper stories of multiple dwellings as to be free of mosquitoes, flies and other flying insects.

D. The exterior of every structure used for human habitation shall be so maintained as to be vermin- and rodent-free. Where rodent or vermin problems exist, all exterior windows, doors and other openings two feet above ground level and below shall be screened or protected with acceptable wire mesh or other approved materials. Defects, cracks or holes shall be tightly sealed to prevent the entrance of vermin and rodents.

E. When a pest, bedbug or other insect or rodent infestation, as defined in Section 308 of the New York State Property

Maintenance Code, has been identified by the Department of Buildings and Regulatory Compliance after a routine inspection by the Department, or inspection after the Department receives a complaint of an infestation, the Department shall contact the premises owner and require the owner to provide proof of extermination/pest control services. When determined by a professional exterminator, the dwelling unit(s) in direct proximity to the affected unit and common areas shall also be treated if evidence of infestation in these areas is found. The occupant of a one-family rental dwelling shall be responsible for the costs associated with any extermination on the premises. No tenant shall willfully refuse to comply with reasonable written instructions from a

landlord, pest control operator or the Department of Buildings and Regulatory Compliance to prepare the dwelling unit for remediation of an infestation of pests, insects or rodents, including bed bugs, provided that such instructions are given to an adult member of the tenant household such that the tenant household has a reasonable opportunity to comply, and in all cases at least 48 hours prior to remediation. Property owners of rental properties, or their agents, or the professional pest control service company hired by the property owner shall provide a copy of a report for the services rendered electronically to the Department of Buildings and Regulatory Compliance.

2. *Infestation – NYS Property Maintenance Code*

§302.5 – **Rodent Harborage.** Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

§309.1 – **Infestation.** Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

iv. Lighting

Few appreciate how important sufficient lighting is to the safety of a structure and how critical it can be to occupants in escaping a fire. While a malfunctioning light may seem like a minor annoyance, it can be the difference between escaping or not escaping a building in the event of an emergency.

1. *Light – NYS Property Maintenance Code*

§402.1 – **Habitable Space (Light).** Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such

room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face

directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

§402.2 – **Lighting in Common Halls & Stairways.** Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of

egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

§402.3 – **Other Spaces (Lighting).** All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

§605.3 – **Luminaries.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

v. Ventilation

Being able to provide fresh, circulating air is a key component in making buildings sanitary and habitable. Except for apartments in high-rise apartment buildings, windows must be openable.

1. *Ventilation – NYS Property Maintenance Code*

§403.1 – **Habitable Spaces (Ventilation).** Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than 45 percent of the minimum glazed area required in Section 402.1. Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

room shall comply with the ventilation requirements for habitable spaces as required by Section 403.1, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

§403.2 – **Bathrooms & Toilet Rooms (Ventilation).** Every bathroom and toilet

§403.3 – **Cooking Facilities.** Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit. Exceptions: 1. Where specifically approved in writing by the code

official. 2. Devices such as coffee pots and microwave shall not be considered cooking appliances.

§403.4 – **Process Ventilation.** Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the

source. Air shall be exhausted to the exterior and not be recirculated to any space.

§403.5 – **Clothes Dryer Exhaust.** Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer’s instructions. Exception: Listed and labeled condensing (ductless) clothes dryers.

vi. Security

Building security is another objective that both the Albany City Code and NYS Uniform Code attempt to achieve. The relevant code citations are featured below.

1. *Security – Albany City Code*

§133-60(A) – **Door Locks.** (2) Building entrances. For the purpose of this section, where a building entrance consists of two doors or sets of doors, the requirements shall be applicable to the door or doors closest to the interior of the building. (a) In buildings of one and two units, all common entrances, including main, rear and service, shall have doors which are capable of self-locking, equipped with a latch with at least a one-half-inch throw and equipped with a dead-bolt as provided for in § 133-60A. In buildings of three or more units, common entrance doors shall be equipped with a dead-latch with at least one-half-inch throw. Such latch shall remain fully operational from the interior in accordance with the Uniform Code and shall be capable of self-locking. Buildings with three units, in which two units share common entrance doors and the third unit maintains separate entrance doors, shall be subject to the requirements of one- and two-unit buildings. (3) Double-leaf doors. Main entrance doors which consist of two separate, operable doors may have the active door secured with the type of lock required in Subsection A(2) of this section, provided that the inactive leaf is

equipped with flush bolts top and bottom with a minimum throw of five-eighths (5/8) inch, entering into a metal strike plate. In no case may any leaf of a double-leaf door be rendered inactive if the full doorway capacity is required as an exit under the Uniform Code.

§133-60(B)(2) – **Optical Viewers.** All door(s) to individual dwelling units shall be equipped with an optical viewer with a one-hundred-eighty-degree field of vision unless there is glass immediately adjacent to or within the door that provides an adequate view of the doorway. In addition, such doors shall not be hollow core.

(a) Doors shall be hinged so that the hinges are not accessible from the exterior or equipped with a security door pin or hinge pin.

§133-60(C) – **Windows.** Every window at first-floor or basement levels or openings onto a fire escape or which is accessible from another building or the ground shall be equipped with a secure, operating locking device. In addition, all double-hung windows shall be equipped with window

pins, clips or similar safety devices which, when in use, prevent the window from locking open more than four inches.

§133-60(D) – **Lighting**. Main entrance doors and any other door which constitutes an entrance into a dwelling unit shall be fitted with an exterior operating light fixture, accessible to operation by the tenant, with no less than one forty-watt bulb or the equivalent, such fixture to be located no farther than four feet from said entrance

which provides safe, adequate lighting to the entrance area. Timed light-sensitive or motion-sensitive systems may be substituted, provided that they function during hours of darkness.

§133-60(F) – **Doorbells**. Each dwelling unit shall be equipped with a signaling device such as a doorbell, intercom or phone system to notify occupants of the unit of visitors.

2. Security – NYS Property Maintenance Code

§304.14 – **Insect Screens**. During the period from May 15 to September 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a selfclosing device in good working condition. Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

§304.15 – **Doors**. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

§304.17 – **Guards for Basement Windows**. Every basement window that is operable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

§304.18 – **Building Security**. Doors, windows or hatchways for dwelling units, room units or housekeeping units shall be provided with devices designed to provide security for the occupants and property within.

§304.18.1 – **Building Security (Doors)**. Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

§304.18.2 – **Windows**. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device.

§304.18.3 – **Basement Hatchways**. Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

§304.19 – **Gates**. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

vii. Water (including hot water)

The provisions of the NYS Property Maintenance Code which apply to water require that residential dwellings be provided with clean drinking water and hot water.

1. *Water – NYS Property Maintenance Code*

§505.1 – **General (Water Systems)**. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code. Exceptions: Owner-occupied one-family dwellings subject to the approval of the code enforcement official.

§505.3 – **Supply**. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

§505.2 – **Contaminations**. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

§505.4 – **Water heating facilities**. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

viii. Plumbing

1. *Plumbing – NYS Property Maintenance Code*

§502.1 – **Dwelling Units (Plumbing Fixtures)**. Every dwelling unit shall contain its own bathtub or shower, lavatory, water

closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in

the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory. Exceptions: Owner-occupied one-family dwellings subject to the approval of the code enforcement official.

§504.1 – **General (Plumbing Fixtures)**. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

§504.2 – **Plumbing Fixture Clearances**. Plumbing fixtures shall have adequate clearances for usage and cleaning.

ix. Bathrooms

1. *Bathrooms – NYS Property Maintenance Code*

§502.1 – **Dwelling Units (Plumbing Fixtures)**. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory. Exceptions: Owner-occupied one-family dwellings subject to the approval of the code enforcement official.

x. Electrical

1. *Electrical – NYS Property Maintenance Code*

§504.3 – **Plumbing System Hazards**. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

§506.1 – **General (Sewage)**. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

§506.2 – **Maintenance (Sewage)**. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

§502.2 – **Rooming Houses (Plumbing Fixtures)**. At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

§503.1 – **Privacy (Toilet Rooms)**. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

§604.1 – **Electrical Facilities Required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

§604.2 – **Electric Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

§604.3 – **Electrical System Hazards.** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

§605.1 – **Installation.** Electrical equipment, wiring and appliances shall be properly

installed and maintained in a safe and approved manner.

§605.2 – **Receptacles.** Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

§605.3 – **Luminaries.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

§605.4 – **Wiring.** Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

xi. Residential Animal Regulations

There is no residential animal limit in the NYS Uniform Code. The following provisions are from the City of Albany Code.

§115-31 – **Keeping of farm animals or fowl prohibited.**

No person shall keep, harbor, or shelter any farm animal or fowl within the City of Albany. For purposes of this article, farm animal or fowl shall include cows, cattle, horses, ponies, donkeys, mules, pigs, goats, sheep, chickens, ducks, geese, or other animals or fowl usually known as "farm animals or fowl," but not solely limited to

the aforementioned and not including common household pets.

§231-95 – **Animals.**

A. Animals shall not be kept on any premises in such a manner as to constitute a nuisance.

B. In addition, animals on any premises shall be maintained in accordance with all

applicable state and local statutes ordinances and regulations.

§ 375-103 – *Residential Animal Limits*.

B. No more than five dogs and/or cats shall be kept in a residential zoning district without a special use permit from the Board of Zoning Appeals.

d. **Fire Safety**

One of the major purposes of the NYS Uniform Code is to implement common sense and inexpensive safeguards to prevent loss of life and a generally minimize the damage caused by fires and hazardous materials.

Below we have organized the fire safety-related codes into rules regarding smoke detectors, carbon monoxide detectors, fire extinguishers, sprinklers, and means of egress.

Throughout the rest of this guide we have referred to the NYS Property Maintenance Code, which is one volume of the NYS Uniform Code. Below we'll refer to the NYS Fire Code.

i. General

1. General Fire Safety – NYS Property Maintenance Code

§704.1 – **General (Fire Protection)**. Systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be

maintained in an operable condition at all times in accordance with the International Fire Code.

ii. Smoke Detectors

The rules regarding the placement of smoke alarms are complicated. As a rule of thumb, ***smoke detectors must be installed in every sleeping room, in the corridor outside sleeping rooms, outside a bathroom, on each habitable floor, and near cooking appliances.*** Keep in mind that one smoke alarm may serve multiple location requirements. For example, a smoke alarm in a kitchen would count as the required smoke alarm near cooking appliances and the smoke alarm required on the floor that the kitchen is on.

If a building's smoke alarms are required to be hooked up directly to the building's electrical system and/or to be interconnected such that triggering one alarm triggers all other alarms, that will generally have been done at the time the building was constructed. However, if a building has a directly wired or integrated fire alarm, that must be maintained even if it is not actually required by law.

A lot of the smoke detector and carbon monoxide detector regulations refer to "Groups R-2, R-3, R-4". These refer to different types of residential occupancies. An R-2 occupancy refers to, among other things, apartment houses with three or more units, dorms, hotels, and boarding houses with less than 16 people. An R-3 occupancy refers to one and two unit buildings

and small boarding houses. An R-4 occupancy refers to group homes, assisted living facilities, etc.

1. *Smoke Detectors – NYS Property Maintenance Code*

§704.2 – **Single and Multiple Station Smoke Alarms.** Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 704.2.1 through 704.2.3.

§704.2.1 – **Where Required (Smoke Alarms)**

§704.2.1.2 Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations: 1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms. 2. In each room used for sleeping purposes. 3. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

§704.2.1.3 – **Installation Near Cooking Appliances (Smoke Alarms).** Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704.2.1.1 or 704.2.1.2. 1. Ionization smoke alarms shall not be installed less than 20 feet (6096 m) horizontally from a permanently installed cooking appliance. 2. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet (3048 mm) horizontally from a permanently installed

cooking appliance. 3. Photoelectric smoke alarms shall not be installed less than 6 feet (1829 mm) horizontally from a permanently installed cooking appliance.

§704.2.1.4 – **Installation New Bathrooms (Smoke Alarms).** Smoke alarms shall be installed not less than 3 feet (914 mm) horizontally from the door or opening of a bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by Section 704.2.1.1 or 704.2.1.2.

§704.2.2 – **Interconnection.** Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. Exceptions: 1. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind. 2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

§704.2.3 – **Power Source (Fire Alarms).** Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection. Exceptions: 1. Smoke alarms are

permitted to be solely battery operated in existing buildings where no construction is taking place. 2. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source. 3. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.

iii. Carbon Monoxide Alarms

Carbon monoxide is a colorless, odorless, flammable, and poisonous gas that can cause serious injury or death without ever having been detected by the victim. As with smoke detectors, the rules regarding the location of carbon monoxide alarms are very specific. To put it simply, ***the general requirement is that a carbon monoxide alarm must be in every room used for sleeping purposes, in the corridor outside the area of the building where the rooms for sleeping purposes are located and on the floor of a potential source of carbon monoxide*** (any fuel burning appliance).

1. *Carbon Monoxide Alarms – City of Albany Code*

§133-78.11(A) – **Carbon Monoxide Detector Location.** Not less than one approved carbon monoxide detector shall be

installed in a residential unit. The detector shall be installed within 40 feet of all rooms used for sleeping purposes.

2. *Carbon Monoxide Alarms – NYS Fire Code*

§915.1 **General (Carbon Monoxide Detection).** Carbon monoxide detection shall be installed in new buildings in accordance with Sections 915.1.1 through 915.6. Carbon monoxide detection shall be installed in existing buildings in accordance with Section 1103.9.

specified in Section 915.2 where any of the conditions in Sections 915.1.2 through 915.1.6 exist.

§915.1.1 – **Where Required (Carbon Monoxide Detection).** Carbon monoxide detection shall be provided in Group I1, I2, I4 and R occupancies and in classrooms in Group E occupancies in the locations

§915.1.2 – **Fuelburning Appliances and Fuel Burning Fireplaces.** Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms that contain a fuelburning appliance or a fuelburning fireplace.

§915.1.3 – **Forcedair Furnaces.** Carbon monoxide detection shall be provided in

dwelling units, sleeping units and classrooms served by a fuelburning, forcedair furnace. Exception: Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where carbon monoxide detection is provided in the first room or area served by each main duct leaving the furnace, and the carbon monoxide alarm signals are automatically transmitted to an approved location.

§915.1.4 – *Fuelburning Appliance Outside of Dwelling Units [and] Sleeping Units.*

Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms located in buildings that contain fuelburning appliances or fuelburning fireplaces. Exceptions: 1. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where there are no communicating openings between the fuelburning appliance or fuelburning fireplace and the dwelling unit, sleeping unit or classroom. 2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms where carbon monoxide detection is provided in one of the following locations: 2.1. In an approved location between the fuelburning appliance or fuelburning fireplace and the dwelling unit, sleeping unit or classroom. 2.2. On the ceiling of the room containing the fuelburning appliance or fuelburning fireplace.

§915.1.5 – *Private Garages (Carbon Monoxide Detection).* Carbon monoxide detection shall be provided in dwelling units, sleeping units and classrooms in

buildings with attached private garages. Exceptions: 1. Carbon monoxide detection shall not be required where there are no communicating openings between the private garage and the dwelling unit, sleeping unit or classroom. 2. Carbon monoxide detection shall not be required in dwelling units, sleeping units and classrooms located more than one story above or below a private garage. 3. Carbon monoxide detection shall not be required where the private garage connects to the building through an opened corridor. 4. Where carbon monoxide detection is provided in an approved location between openings to a private garage and dwelling units, sleeping units or classrooms, carbon monoxide detection shall not be required in the dwelling units, sleeping units or classrooms.

§915.2.1 – *Dwelling Units (Carbon Monoxide Detection).* Carbon monoxide detection shall be installed in dwelling units outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuelburning appliance is located within a bedroom or its attached bathroom, carbon monoxide detection shall be installed within the bedroom.

§915.2.2 – *Sleeping Units (Carbon Monoxide Detection).* Carbon monoxide detection shall be installed in sleeping units. Exception: Carbon monoxide detection shall be allowed to be installed outside of each separate sleeping area in the immediate vicinity of the sleeping unit where the sleeping unit or its attached bathroom does not contain a fuelburning appliance and is not served by a forced air furnace.

iv. Fire Extinguishers

1. *Fire Extinguishers – Albany City Code*

§231-87 – *Portable extinguishers in multiple dwellings.*

A. Each oil burner for boiler, furnace or central hot-water heater shall be provided with an approved hand fire extinguisher or two rounded-bottom pails filled with sand.

2. *Fire Extinguishers*

§906.1 – *Where required.*

Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing [residential dwellings]

. . .

6. Special hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

§906.2 – *General requirements.*

Portable fire extinguishers shall be selected, installed and maintained in accordance with this section and NFPA 10.

v. Means of Egress

In the event of a fire, it is critical that the means of escaping a building, the means of egress, be well lit and kept clear of obstacles.

1. *Means of Egress – NYS Property Maintenance Code*

§402.2 – *Lighting in Common Halls & Stairways.* Every common hall and stairway in residential occupancies, other than in one and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater

B. Portable extinguishers required for fire protection shall be in their designated locations and in a condition which will permit efficient operation without delay.

– *NYS Fire Code*

§906.3 – *Size and distribution.*

The size and distribution of portable fire extinguishers shall be [as follows]:

Minimum rated single fire extinguisher	2-A*
Maximum floor area per [extinguisher]	3,000 sq feet
Maximum distance of travel to extinguisher	75 feet

*Two 2.5-gallon water-type extinguishers shall be deemed the equivalent of one 4-A rated extinguisher.

than 30 feet (9144 mm). In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.

§702.1 – *Means of Egress (General)*. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.

§702.3 – *Locked Doors*. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code.

§702.4 – *Emergency Escape Openings*. Required emergency escape openings shall

e. **Over-Occupancy**

i. **Over-Occupancy – NYS Property Maintenance Code**

§404.4.1 – *Bedroom Occupancy*. Every bedroom and living room shall comply with the requirements of Sections 404.4.1 through 404.4.5. ICC PMC 404.4.1 Room area. Every living room shall contain not less than 120 square feet (11.2 m²) and every bedroom shall contain not less than 70 square feet (6.5 m²) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m²) of floor area for each occupant thereof. 404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces. Exception: Units that contain fewer than two bedrooms.

be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

§404.4.4 – *Prohibited occupancy*. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.

§404.5 – *Overcrowding*. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of [the following table]:

SPACE	MIN. AREA IN SQ FEET		
	1-2 occupants	3-5 occupants	6 or more occupants
Living Room	120	120	150
Dining Room	No requirement	80	100
Bedrooms	Shall comply with Section 404.4.1 (see above)		