S T A T E O F N E W Y O R K

5185

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. TITONE, TOBACCO -- read once and referred to the Committee on Housing

AN ACT to amend the multiple dwelling law, in relation to window guards on fire escape windows for multiple dwellings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph c of subdivision 1 of section 53 of the multiple dwelling law, as amended by chapter 814 of the laws of 1992, is amended to read as follows:

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

S 2. Subdivision 1 of section 53 of the multiple dwelling law is amended by adding a new paragraph e to read as follows:

E. (1) THE OWNER, LESSEE, AGENT OR OTHER PERSON WHO MANAGES OR CONTROLS A MULTIPLE DWELLING SHALL PROVIDE, INSTALL, AND MAINTAIN, A WINDOW GUARD ON THE WINDOWS OF EACH APARTMENT IN WHICH A CHILD OR CHILDREN TEN YEARS OF AGE OR UNDER RESIDE, AND ON THE WINDOWS, IF ANY, IN THE PUBLIC HALLS OF A MULTIPLE DWELLING IN WHICH SUCH CHILDREN RESIDE.

(2) NO WINDOW GUARD SHALL BE EQUIPPED WITH A PADLOCK, KEY LOCK, COMBINATION LOCK OR ANY OTHER LOCKING MECHANISM, EXCEPT THAT SUCH WINDOW GUARDS MAY BE SECURED WITH A DEVICE THAT IS CAPABLE OF RELEASING IN SUCH A MANNER THAT IMMEDIATE ACCESS TO SUCH FIRE ESCAPE IS NOT IMPEDED. SUCH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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DEVICE SHALL MEET MINIMUM STANDARDS ADOPTED BY THE FIRE COMMISSIONER AND SHALL BE APPROVED FOR USE BY THE FIRE COMMISSIONER.

(3) ANY VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A CIVIL VIOLATION SUBJECT TO A PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS PER VIOLATION.

S 3. This act shall take effect one year after it shall have become a law.