§ 216. Rooms in basements and cellars. No room in the basement or cellar of any tenement shall be occupied for living purposes unless there is a written permit therefor as provided in subdivision five of section three hundred and it either is part of an apartment which complies with the conditions of subdivision six of section thirty-four or complies with the following conditions:

1. a. There shall be appurtenant to every such room a water-closet constructed and accessible in accordance with the provisions of section seventy-six for dwellings erected after April eighteenth, nineteen hundred twenty-nine.

b. Every such room and all cellars and basements shall be lighted and ventilated to the satisfaction of the department.

2. If such room is in a tenement erected after April twelfth, nineteen hundred one:

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

b. Every part of the ceiling of such room shall be at least four feet six inches above the curb level of the street in front of such part when such room or the apartment containing it is located in the front part of the dwelling, and at least two feet above such curb level in front of the dwelling when such room or the apartment containing it is located in the rear of the dwelling and the yard is less than sixty feet in depth and does not extend to a street along its entire width.

c. The level of any yard or court upon which such a room or apartment opens shall conform to the requirements of subdivision eight of section twenty-six.

d. Every such room shall have a window opening upon a street, yard or court, and shall be an integral part of an apartment containing a room with a window opening directly upon a street or yard or upon an outer court at least eighteen feet in width and not more than thirty feet in

depth or upon a larger outer court whose depth does not exceed its width by more than one-half.

e. Except when the yard is sixty feet or more in depth there shall be not more than one apartment in any cellar. It shall contain not more than five rooms and bath, and no such room shall open upon any court less than five feet six inches in width. Every part of such apartment shall either be located within twenty-five feet of the inner line of the front or rear wall of the dwelling or have a window opening upon a court which is at least twelve feet in width. No other rooms in the cellar shall be occupied for living purposes.

f. The area of every window in such a room shall be at least twelve square feet, and the total area of windows in every such room shall be at least one-eighth of the total floor area of the room. At least half of each window shall be made to open, and the top of each window shall be within twelve inches of the ceiling.

g. All walls enclosing such room shall be dampproof and its floor dampproof and waterproof. The dampproofing and waterproofing shall run through and up the walls to the ground level.

h. The entire cellar, or lowest story if there be no cellar, shall be properly constructed so as to prevent dampness or water from entering.

3. If such room is in the cellar of any old-law tenement either the conditions enumerated in subdivision two or the following conditions shall be complied with:

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

b. Every part of the ceiling of every such room shall be at least four feet above the surface of the street in front of every part of such room, or at least half the height of such room shall be everywhere above the highest level of the ground outside of and adjoining every part of the exterior wall of such room for a distance of thirty feet measured at

a right angle to the outer surface of such wall.

c. Such adjoining ground shall be effectively drained and shall be open and unoccupied in every part.

d. Such room shall have a window or windows opening directly to the required unoccupied area of ground outside of and adjoining such room or to a street or yard. Every such window shall be made so as to open readily and such window or windows shall provide at least twelve square feet of clear openings for ventilation.

e. Such room shall be thoroughly dry and fit for human habitation.

f. If the tenement is over marshy ground, or ground on which water lies or on which there is upward water pressure, the entire cellar, or lowest story if there be no cellar, shall be made dampproof and waterproof.

4. If such room is in the basement of any old-law tenement the provisions of subdivision one and in addition the provisions of subdivision two or of subdivision three, or the provisions of paragraph f of subdivision three and of either of the following paragraphs, shall be complied with:

a. Such room shall be everywhere seven feet or more in height from floor to ceiling and occupied solely by a family which occupies the entire story above, and such room shall not be used for sleeping purposes; or

b. Such room shall be everywhere seven feet six inches or more in height from floor to ceiling and shall have a window or windows opening directly to a street, or to a yard at least twelve feet in depth, or to a court at least six feet in its least dimension and twelve feet in its greatest dimensions; every such windows shall be made so as to open readily; such window or windows shall provide at least twelve square feet of clear opening for ventilation, and the apartment containing such room shall have one or more rooms opening upon a street or yard.

5. Notwithstanding any provisions of this section or of subdivision five of section three hundred of this chapter, an apartment or room in a cellar or basement which was occupied for living purposes on April first, nineteen hundred fifty-three may thereafter continue to be occupied for such purposes until July first, nineteen hundred sixty-seven, upon the issuance of a joint certificate by the department and the department of health. Such certificate shall be renewed for any such apartment or room which continues to be occupied in an old-law tenement after June thirtieth, nineteen hundred fifty-seven. The certificate shall indicate their joint belief that such occupancy is not detrimental to life and health with due regard to the following conditions:

a. that the apartment or room is reasonably lighted and ventilated,

b. that adequate sanitary facilities are provided, including water supply and water closet accommodations,

c. that the premises are clean and free from rodents and vermin,

d. that the walls and ceilings are sound and reasonably free of dampness and there is a minimum of seven feet in height from floor to ceiling,

e. that the apartment or room is adequately heated from a central heating system or by other approved means,

f. that the structural arrangement, including egress facilities, of the apartment or room does not constitute a fire hazard,

g. that notwithstanding the provisions of this subdivision, any apartment occupied pursuant to the provisions of this subdivision which becomes vacant on or after June first, nineteen hundred fifty-five shall not thereafter be occupied for dwelling purposes. This paragraph shall also apply to any room which becomes vacant on or after June first, nineteen hundred fifty-six.