§ 309-a. Multiple dwelling; apartment prohibitions for certain employees. 1. No janitor, superintendent, manager, custodian, or the like, of a multiple dwelling shall be permitted to reside in an apartment unit in the multiple dwelling in which he is employed if the rental of such apartment unit to a tenant is prohibited by any general, special, or local law.

2. An owner, agent or operator of a multiple dwelling may apply to the department for a waiver of the provisions of this section on the ground that there is a bona fide unavailability of a suitable apartment unit for occupation by any of the above mentioned employees. Upon a determination that such unavailability does exist, the department may grant an exemption from the application of the provisions of subdivision one of this section upon such terms and conditions as it shall deem appropriate.

3. For the purposes of this section, the term "multiple dwelling" shall mean a building in which there is either rented, leased, let or hired out to be occupied, or is occupied as the residence or home of three of more families living independently of each other.