§ 67. Hotels and certain other class A and class B dwellings. 1. It shall be unlawful to occupy any class A or class B multiple dwelling, including a hotel, unless it conforms to the provisions of the specific sections enumerated in section twenty-five to the extent required therein, including the applicable provisions of this section and all other applicable provisions of this chapter except that the provisions of this section shall not apply to:

a. Converted dwellings;

b. Tenements;

c. Lodging houses;

d. Class A multiple dwellings erected under plans filed with the department after April eighteenth, nineteen hundred twenty-nine.

2. Any such multiple dwelling, altered or erected after April fifth, nineteen hundred forty-four, and which is required to conform to the provisions of articles one, two, three, four, five, eight, nine and eleven, shall not be required to conform to the provisions of subdivisions three, six, nine and ten of this section.

3. The walls and ceiling of every entrance hall, stair hall or other public hall, every hall or passage not within an apartment or suite of rooms, every dumb-waiter, elevator, and, except as provided in paragraph d of subdivision six, every other shaft, including stairs, connecting more than two successive stories, shall be sealed off from every other portion of the dwelling with fire-retarding materials approved by the department, or, in lieu thereof, except in the case of elevator shafts, shall be equipped with one or more automatic sprinkler heads. Nothing contained herein shall be deemed to exempt from enclosure an interior required means of egress. The provisions of this subdivision and similar requirements of section sixty-one shall not apply to a store or space used for business on any story where there are no sleeping rooms, when such store or space is protected with sprinkler heads.

4. There shall be one or more completely enclosed compartments for the storage of mattresses, furniture, paints, floor wax, linens, brooms, mops and other such inflammable or combustible paraphernalia incidental to the occupancy and maintenance of the dwelling, and such paraphernalia shall be stored in no other portion of such dwelling. Such compartments shall be completely protected by one or more automatic sprinkler heads. Every door from any such compartment shall be self-closing. Closets which do not exceed one hundred square feet in floor area may be used for the temporary storage of such paraphernalia, except mattresses, furniture, paints and insecticides containing inflammable materials and are excluded from the requirements of this subdivision.

5. All kitchens and pantries serving restaurants in such non-fireproof dwellings shall be equipped with one or more automatic sprinkler heads.

6. Except in fireproof class A multiple dwellings erected under plans filed after January first, nineteen hundred twenty-five, and which were completed before December thirty-one, nineteen hundred thirty-three, and except as otherwise provided in paragraph c of this subdivision, in every such dwelling three or more stories in height there shall be from each story at least two independent means of unobstructed egress located remote from each other and accessible to each room, apartment or suite.

a. The first means of egress shall be an enclosed stair extending directly to a street, or to a yard, court or passageway affording continuous, safe and unobstructed access to a street, or by an enclosed stair leading to the entrance story, which story shall have direct access to a street. That area of the dwelling immediately above the street level and commonly known as the main floor, where the occupants are registered and the usual business of the dwelling is conducted, shall be considered a part of the entrance story; and a required stair terminating at such main floor or its mezzanine shall be deemed to terminate at the entrance story. An elevator or an unenclosed escalator shall never be accepted as a required means of egress.

b. The second means of egress shall be by an additional enclosed stair conforming to the provisions of paragraph a of this subdivision, a

fire-stair, a fire-tower or an outside fire-escape. In a non-fireproof dwelling when it is necessary to pass through a stair enclosure which may or may not be a required means of egress to reach a required means of egress, such stair enclosure and that part of the public hall or corridor leading thereto from a room, apartment or suite, shall be protected by one or more sprinkler heads; in a fireproof dwelling only that part of the hall or corridor leading to such stair enclosure need be so protected.

c. Where it is impractical in such existing dwellings to provide a second means of egress, the department may order additional alteration to the first means of egress and to shafts, stairs and other vertical openings as the department may deem necessary to safeguard the occupants of the dwelling, may require the public halls providing access to the first means of egress to be equipped on each story with one or more automatic sprinkler heads, and, in non-fireproof dwellings, may also require automatic sprinkler heads in the stair which serves as the only means of egress.

d. Nothing in this section shall be deemed to require the enclosure of a stair which is ornamental provided such stair does not connect more than two stories.

e. A stair, fire-stair, fire-tower or fire-escape which is supplementary to the egress requirements of paragraphs a, b and c of this subdivision need not lead to the entrance story or to a street, or to a yard or a court which leads to a street, provided the means of egress therefrom is approved by the department.

7. a. All doors opening from shafts, stair halls or stairs and the door assemblies shall be fire-resistive with the doors self-closing and without transoms or any other opening.

b. All other doors opening upon entrance halls or other public halls or corridors in every part of the dwelling shall be self-closing. In non-fireproof dwellings any existing openings in such doors, except in doors to public toilet rooms or bathrooms, shall be closed and sealed in

such manner as to provide a fire-resistive rating equal to the fire-resistive rating of the remainder of the door. Except as provided in this paragraph, any existing transoms over such doors in such non-fireproof dwellings shall be firmly secured in a closed position, or removed and the openings closed, in a manner satisfactory to the department. If such doors or transoms are glazed with plain glass, such glass shall be removed and replaced with wire glass one-quarter of an inch in thickness or replaced with material approved by the department. In non-fireproof dwellings existing transoms or ventilating louvres in public halls or corridors, and any openings in partitions separating sleeping rooms from public halls or corridors to provide ventilation, need not be replaced, closed or sealed provided such public halls or corridors are protected by automatic sprinkler heads. When existing ventilating louvres are located in the lower half of any such door they may be retained and new ventilating louvres may be installed in the lower half of any new or existing doors provided the openable area of every such louvre does not exceed one hundred forty-four square inches and the bottom of the opening is one foot or more above the finished floor of the public hall or corridor upon which such door opens and, in such case, no sprinkler system shall be required.

c. Every existing interior glazed sash, window or opening, other than a door, in any partition forming required enclosures around stairs or shafts shall be removed and the openings closed up and fire-retarded. Where an existing sash provides borrowed light to a public hall or corridor from a living room and there is no glass panel in the door providing access to such room, such sash shall be made stationary in a closed position and be glazed with wire glass one-quarter inch in thickness, or be entirely removed and the opening closed up with incombustible material.

d. All openings which provide direct access to a fire-escape from a public hall or corridor shall be equipped with fireproof doors and assemblies with the door self-closing or fireproof windows glazed with clear wire glass. Doors providing access to fire-escapes from public halls or corridors may be glazed with clear wire glass.

e. It shall be unlawful to attach to or maintain on or about any door required to be self-closing any device which prevents the self-closing of such door.

8. a. (i) Every means of egress shall be indicated by a sign reading "EXIT" in red letters at least eight inches high on a white background, or vice versa, illuminated at all times during the day and night by a red light of at least twenty-five watts or equivalent illumination. Such light shall be maintained in a keyless socket. On all stories where doors, openings or passageways giving access to any means of egress are not visible from all portions of such stories, lighted or reflective directional signs shall be maintained in conspicuous locations, indicating in red on a white background, or vice versa, the direction of travel to the nearest means of egress. In addition to being posted in conspicuous locations, such signs located near the floor, giving direction to the nearest means of egress, shall also be maintained. At least one sign shall be visible from the doorway of each room or suite of rooms. Existing signs and illumination may be accepted if, in the opinion of the department, such existing signs and illumination serve the intent and purpose of this subdivision. Supplementary stairs, fire-stairs, fire-towers or fire-escapes which do not lead to the entrance story or to a street or to a yard or court, leading to a street, shall be clearly marked "NOT AN EXIT" in black letters at least four inches high on a yellow background and at the termination of each such stair, fire-stair, fire-tower or fire-escape, there shall be a directional sign indicating the nearest means of egress leading to a street. All signs shall be constructed, located and illuminated in a manner satisfactory to the department.

b. On each floor of every hotel or motel having two or more stories where the rooms or suites of rooms are connected by an interior hallway, there shall be posted by each stairway, elevator or other means of egress a printed scale floor plan of the particular story, which shall show all means of egress, clearly labeling those to be used in case of fire. Such signs shall be posted in other conspicuous areas throughout the building. Said floor plan shall be no smaller than eight inches by ten inches and shall be posted in such a manner that it cannot be

readily removed.

9. The ceiling of the story immediately below the entrance story shall be fire-retarded or be equipped with one or more sprinkler heads. Any boiler or furnace room within the dwelling used in connection with supplying heat or hot water shall be enclosed with fire-retarded partitions and every door opening therefrom and its assembly shall be fireproof with the door self-closing. The ceiling of such room shall also be fire-retarded or be equipped with one or more sprinkler heads.

10. a. There shall be provided in the roof directly over each stair, fire-stair, fire-tower, dumb-waiter, elevator or similar shaft which extends to or within one story of a roof, a ventilating metal skylight having horizontal dimensions equal at least to seventy-five per centum of the cross-sectional area of such shaft. Such skylight need not, however, exceed twenty square feet in area. Where an existing skylight is smaller than the dimensions or area prescribed in this paragraph, no structural change shall be required, but a ventilating metal skylight fitting the existing opening in the roof shall be sufficient. Every skylight shall be glazed with plain glass in the roof of such skylight and shall be equipped with metal screens over and under the skylight. In lieu of a skylight a window of the same area at the top story shall be accepted.

b. Whenever there is a flooring of solid construction at the top of any enclosed stair, fire-stair, fire-tower, elevator or similar shaft, openings shall be left near the top of such shaft for ventilation. Such openings shall provide at least two hundred eighty-eight square inches of unobstructed ventilation and shall communicate directly with the outer air, or be otherwise ventilated in accordance with the provisions of the local building code.

c. It shall be unlawful to discharge into any such shaft any inflammable or volatile gases, liquids or other thing or matter which would endanger life.

11. a. There shall be a fire-retarded bulkhead in the roof over, or

connecting directly by means of a public hall with the highest portion of, every stair extending to the highest story below the main roof. Stairs leading to such bulkheads shall be fire-retarded as required for other public stairs and shall have at the top fireproof doors and assemblies with the doors self-closing. All stairs to required bulkheads shall be provided with a guide or handrail. A scuttle so constructed as to be readily opened may be substituted for a bulkhead in such dwellings two stories or less in height. Such scuttle shall be at least twenty-one inches in width and twenty-eight inches in length, covered on the outside with metal and provided with a stationary iron or steel ladder leading thereto.

b. When a dwelling has a pitched or sloping roof with a pitch or slope of more than fifteen degrees, no bulkhead or scuttle, or stair or ladder leading thereto shall be required.

c. A bulkhead door or scuttle shall never be self-locking and shall be fastened on the inside with movable rustproof bolts, hooks, or a lock which does not require a key to open from the inside of the dwelling.

d. Bulkheads and stairs leading thereto existing on April fifth, nineteen hundred forty-four, shall be permitted provided the stairs have such angle of ascent and treads of such dimensions as may be approved by the department.

12. In every such dwelling containing thirty or more rooms used for living or sleeping purposes by transient occupants there shall be a closed-circuit interior fire alarm system. Such alarm system shall be so installed and maintained that it can be operated manually from any story to sound an alarm or alarms capable of being heard clearly in all parts of the dwelling. Such alarm system shall be installed, arranged and maintained in a manner satisfactory to the fire department.

13. When the local building code requires a standpipe system such system shall comply with all of the applicable requirements of such code.

14. In every such fireproof dwelling containing fifty or more rooms used for living or sleeping purposes by transient occupants and in every such non-fireproof dwelling containing thirty or more such rooms, the owner shall employ one or more watchmen or clerks whose duty it shall be to visit every portion of the dwelling at frequent regular intervals for the purpose of detecting fire or other sources of danger and giving immediate and timely warning thereof to all the occupants. There shall be provided a watchman's clock system or other device to record the movements of such watchman. Such system shall be installed, supervised and maintained in a manner satisfactory to the fire department. However, the provisions of this subdivision shall not apply where, throughout the dwelling, a closed-circuit, automatic, thermostatic fire-detecting system is installed which actuates a fire alarm, or where, throughout the dwelling, an approved-type automatic sprinkler system is installed which actuates a fire alarm by the flow of water through such system.

15. a. Nothing in this section shall be construed as permitting partitions or materials which are not fireproof in any fireproof dwelling; nor shall anything in this section be deemed to abrogate any powers or duties vested by law in the fire commissioner or fire department, except that an existing sprinkler installation, fire alarm or standpipe system which has been approved or accepted by the department having jurisdiction and installed before July first, nineteen hundred forty-eight, shall, after inspection by the said department, be deemed to be in compliance with the requirements of this section or may be altered or adapted to meet such requirements instead of a completely new installation or system.

b. All automatic sprinkler heads required by this section shall be constructed to fuse at a temperature not higher than one hundred sixty-five degrees Fahrenheit, spaced so as to protect the area which is required to be sprinklered, and installed, arranged and maintained in conformity with regulations adopted by the department.

c. For the purposes of subdivisions twelve and fourteen of this section, the term "transient occupancy" shall mean the occupancy of a room for living purposes by the same person or persons for a period of

ninety days or less.

16. a. Notwithstanding any other provision of law to the contrary, within a dwelling to which this section is applicable the use of dwelling units as a hotel for other than permanent residence purposes, as defined in paragraph a of subdivision eight of section four of this chapter, that would otherwise be prohibited shall be permitted to continue for a period of two years after the effective date of this subdivision provided that:

(1) such dwelling units were used for other than permanent residence purposes on January first, two thousand nine and on the effective date of this subdivision and fifty-one percent or more of the total number of dwelling units in such dwelling were used for other than permanent residence purposes on such dates;

(2) such dwelling was occupied as a hotel for other than permanent residence purposes on December fifteenth, nineteen hundred sixty-one;

(3) such dwelling is of fireproof construction and was of fireproof construction on January first, two thousand nine;

(4) such dwelling units used for other than permanent residence purposes have at least two lawful means of egress, including exit stairs, fire towers or exterior stairs but excluding fire escapes and had such lawful means of egress on January first, two thousand nine;

(5) such dwelling has operational exit signs and a fire alarm system complying with the provisions for existing transient occupancies in accordance with local law and had such exit signs and fire alarm system on January first, two thousand nine; and

(6) such dwelling units used for other than permanent residence purposes are registered with the department within one hundred eighty days after the effective date of this subdivision in a form and manner to be provided by such department, including a requirement that the applicant submit certification of compliance with subparagraphs three, four and five of this paragraph, signed and sealed by a registered architect or licensed professional engineer in good standing under the education law. The department may assess fees to cover all costs associated with such registration. The department may refuse to register dwelling units or may revoke such registration if it determines such dwelling units or dwelling do not comply with the conditions for

registration set forth in subparagraphs one through five of this paragraph.

b. The owner shall obtain a certificate of occupancy for the use of registered dwelling units for other than permanent residence purposes within two years after the effective date of this subdivision. Upon application prior to the expiration of such two year period, the department may, for good cause, extend such time for up to one additional year but no such extension shall be granted unless the department finds that:

(1) the owner has obtained the necessary permit or permits for all work necessary to bring such dwelling into compliance with the requirements of this chapter and all local housing, building and fire codes for the use of dwelling units for other than permanent residence purposes;

(2) all construction authorized by such permit or permits has been substantially completed; and

(3) there are no considerations of public safety, health and welfare that have become apparent since the issuance of the above described permit or permits that indicate an overriding benefit to the public in enforcing the requirement that the applicant obtain a certificate of occupancy for the use of registered dwelling units for other than permanent residence purposes within two years after the effective date of this subdivision.

c. Upon application prior to the expiration of the time for obtaining a certificate of occupancy, as extended by the department pursuant to paragraph b of this subdivision, the board of standards and appeals may grant a further extension of time to obtain a certificate of occupancy in a case where there are circumstances beyond the applicant's control or hardship in the way of obtaining such certificate within the time allowed by the department but no more than one such extension of fifteen months shall be granted for a building and no such extension shall be granted unless the board finds that there are no outstanding building or fire code violations of record at the property.

d. The department shall issue such certificate of occupancy upon proof

that said dwelling conforms in all respects to the requirements of this chapter and all local housing, building and fire codes for the use of dwelling units for other than permanent residence purposes. If no such certificate of occupancy is issued within two years after the effective date of this subdivision or, if applicable, within the time as extended by the department or as further extended by the board of standards and appeals, all use of dwelling units for other than permanent residence purposes shall thereafter cease.

e. If after a certificate of occupancy is issued pursuant to paragraph d of this subdivision, the use of such dwelling units for other than permanent residence purposes is discontinued, nothing in this subdivision shall be construed to limit the application of the local zoning resolution with respect to such discontinuance.