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TENEMENT HOUSE ACT.

HEALTH DEPARTMENT,
CITY OF NEW YORK,
No. 301 MOTT ST.

Chapter 908, Laws of 1867.

AN ACT for the regulation of tenement and lodging houses in the cities of New York and Brooklyn.

Passed May 14, 1867.

The People of the State of New York, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the first day of July, eighteen hundred and sixty-seven, no house, building, or portion thereof, in the cities of New York or Brooklyn, shall be used, occupied, leased or rented for a tenement or lodging house unless the same conforms in its construction and appurtenances to the requirements of this act.

SEC. 2. Every house, building or portion thereof, in the cities of New York and Brooklyn, designed to be used, occupied, leased or rented, or which is used, occupied, leased or rented, for a tenement or lodging house, shall have in every room which is occupied as a sleeping-

room, and which does not communicate directly with the external air, a ventilating or transom window, having an opening or area of three square feet, over the door leading into and connected with the adjoining room, if such adjoining room communicates with the external air, and also a ventilating or transom window of the same opening or area, communicating with the entry or hall of the house, or, where this is, from the relative situation of the rooms, impracticable, such last-mentioned ventilating or transom window shall communicate with an adjoining room that itself communicates with the entry or hall. Every such house or building shall have in the roof, at the top of the hall, an adequate and proper ventilator, of a form approved in New York by the Inspector of Public Buildings, and in Brooklyn by the Assistant Sanitary Superintendent of the Metropolitan Board of Health.

SEC. 3. Every such house shall be provided with a proper fire escape, or means of escape in case of fire, to be approved in New York by the Inspector of Public Buildings, and in Brooklyn by the Assistant Sanitary Superintendent of the Metropolitan Board of Health.

SEC. 4. The roof of every such house shall be kept in good repair, and so as not to leak, and all rain-water shall be so drained or conveyed therefrom as to prevent its dripping on to the ground, or causing dampness in the walls, yard or area. All stairs shall be provided with proper banisters or railings, and shall be kept in good repair.

SEC. 5. Every such building shall be provided with good and sufficient water-closets or privies, of a construction approved by the Metropolitan Board of Health, and shall have proper doors, traps, soil-pans, and other suitable works and arrangements, so far as may be necessary to insure the efficient operation thereof. Such water-

closets or privies shall not be less in number than one to every twenty occupants of said house; but water-closets or privies may be used in common by the occupants of any two or more houses, provided the access is convenient and direct, and provided the number of occupants in the houses for which they are provided shall not exceed the proportion above required for every privy or water-closet. Every such house situated upon a lot on a street in which there is a sewer, shall have the water-closets or privies furnished with a proper connection with the sewer, which connection shall be in all its parts adequate for the purpose, so as to permit entirely and freely to pass whatever enters the same. Such connection with the sewer shall be of a form approved in New York by the Croton Aqueduct Board, and in Brooklyn by the Board of Water Commissioners. All such water-closets and vaults shall be provided with the proper traps, and connected with the house sewer by a proper tight pipe, and shall be provided with sufficient water and other proper means of flushing the same; and every owner, lessee, and occupant shall take adequate measures to prevent improper substances from entering such water-closets or privies or their connections, and to secure the prompt removal of any improper substances that may enter them, so that no accumulation shall take place, and so as to prevent any exhalations therefrom, offensive, dangerous, or prejudicial to life or health, and so as to prevent the same from being or becoming obstructed. No cesspool shall be allowed in or under or connected with any such house, except when it is unavoidable, and in such case it shall be constructed in such situation and in such manner as the Metropolitan Board of Health may direct. It shall in all cases be water-tight, and arched or securely covered over, and no offensive smell or gases shall be allowed to escape therefrom, or from any privy or privy-vault. In all cases where a sewer exists in the street upon which

the house or building stands, the yard or area shall be so connected with the same, that all water, from the roof or otherwise, and all liquid filth shall pass freely into it. Where no sewer exists in the street, the yard or area shall be so graded that all water, from the roof or otherwise, and all filth shall flow freely from it and all parts of it into the street gutter, by a passage beneath the sidewalk, which shall be covered by a permanent cover, but so arranged as to permit access to remove obstructions or impurities.

SEC. 6. From and after the first day of July, eighteen hundred and sixty-seven, it shall not be lawful, without a permit from the Metropolitan Board of Health, to let or occupy, or suffer to be occupied separately as a dwelling, any vault, cellar, or underground room built or rebuilt after said date, or which shall not have been so let or occupied before said date. And from and after July first, eighteen hundred and sixty-seven, it shall not be lawful without such permit to let or continue to be let, or to occupy or suffer to be occupied separately as a dwelling any vault, cellar, or underground room whatsoever, unless the same be in every part thereof at least seven feet in height, measured from the floor to the ceiling thereof, nor unless the same be for at least one foot of its height above the surface of the street or ground adjoining or nearest to the same, nor unless there be outside of and adjoining the said vault, cellar, or room, and extending along the entire frontage thereof, and upwards, from six inches below the level of the floor thereof, up to the surface of the said street or ground, an open space of at least two feet and six inches wide in every part, nor unless the same be well and effectually drained by means of a drain, the uppermost part of which is one foot at least below the level of the floor of such vault, cellar, or room, nor unless there is a clear

space of not less than one foot below the level of the floor, except where the same is cemented, nor unless there be appurtenant to such vault, cellar, or room, the use of a water-closet or privy kept and provided as in this act required, nor unless the same have an external window opening of at least nine superficial feet clear of the sash-frame, in which window opening there shall be fitted a frame filled in with glazed sashes, at least four and a half superficial feet of which shall be made so as to open for the purpose of ventilation. Provided, however, that in the case of an inner or back vault, cellar, or room let or occupied along with a front vault, cellar, or room, as part of the same letting or occupation, it shall be a sufficient compliance with the provisions of this act if the front room is provided with a window as hereinbefore provided, and if the said back vault, cellar, or room is connected with the front vault, cellar, or room by a door and also by a proper ventilating or transom window, and where practicable also, connected by a proper ventilating or transom window, or by some hall or passage, communicating with the external air. Provided always that in any area adjoining a vault, cellar, or underground room there may be steps necessary for access to such vault, cellar, or room, if the same be so placed as not to be over, across, or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such vault, cellar, or room, a clear space of six inches at least, and if the rise of said steps is open; and provided further that over or across any such area there may be steps necessary for access to any building above the vault, cellar, or room to which such area adjoins, if the same be so placed as not to be over, across, or opposite to any such external window.

SEC. 7. From and after the first day of July, eighteen hundred and sixty eight, no vault, cellar, or underground

room shall be occupied as a place of lodging or sleeping, except the same shall be approved, in writing, and a permit given therefor, by the Metropolitan Board of Health.

SEC. 8. Every tenement or lodging house shall have the proper and suitable conveniences or receptacles for receiving garbage and other refuse matters. No tenement or lodging house, nor any portion thereof, shall be used as a place of storage for any combustible article, or any article dangerous to life or detrimental to health; nor shall any horse, cow, calf, swine, pig, sheep, or goat, be kept in said house.

SEC. 9. Every tenement or lodging house, and every part thereof, shall be kept clean and free from any accumulation of dirt, filth, garbage, or other matter in or on the same, or in the yard, court, passage, area, or alley connected with or belonging to the same. The owner or keeper of any lodging-house, and the owner or lessee of any tenement-house or part thereof, shall thoroughly cleanse all the rooms, passages, stairs, floors, windows, doors, walls, ceilings, privies, cesspools, and drains thereof of the house or part of the house of which he is the owner or lessee, to the satisfaction of the Metropolitan Board of Health, so often as shall be required by or in accordance with any regulation or ordinance of said Board, and shall, well and sufficiently, to the satisfaction of said Board, whitewash the walls and ceilings thereof twice at least in every year, and in the months of April and October, unless the said Board shall otherwise direct. Every tenement or lodging house shall have legibly posted or painted on the wall or door in the entry, or some public accessible place, the name and address of the owner or owners, and of the agent or agents, of any one, having charge of the renting and

collecting of the rents for the same ; and service of any papers required by this act, or by any proceedings to enforce any of its provisions, or of the acts relating to the Metropolitan Board of Health, or the Department for the Survey and Inspection of Buildings, shall be sufficient if made upon the person or persons so designated as owner or owners, agent or agents.

SEC. 10. The keeper of any lodging-house, and the owner, agent of the owner, lessee and occupant of any tenement-house, and every other person having the care or management thereof, shall, at all times, when required by any officer of the Metropolitan Board of Health, or by any officer upon whom any duty or authority is conferred by this act, give him free access to such house and to every part thereof. The owner or keeper of any lodging house, and the owner, agent of the owner, and the lessee of any tenement-house, or part thereof, shall, whenever any person in such house is sick of fever, or of any infectious, pestilential or contagious disease, and such sickness is known to such owner, keeper, agent, or lessee, give immediate notice thereof to the Metropolitan Board of Health, or to some officer of the same, and, thereupon, said Board shall cause the same to be inspected, and may, if found necessary, cause the same to be immediately cleansed or disinfected at the expense of the owner, in such manner as they may deem necessary and effectual ; and they may also cause the blankets, bedding, and bedclothes used by any such sick person, to be thoroughly cleansed, scoured, and fumigated, or, in extreme cases, to be destroyed.

SEC. 11. Whenever it shall be certified to the Metropolitan Board of Health by the Sanitary Superintendent, that any building or part thereof is unfit for human habitation, by reason of its being so infected with disease as to be likely to cause sickness among the occupants,

or by reason of its want of repair has become dangerous to life, said Board may issue an order and cause the same to be affixed conspicuously on the building, or part thereof, and to be personally served upon the owner, agent, or lessee, if the same can be found in this State, requiring all persons therein to vacate such building for the reasons to be stated therein as aforesaid. Such building or part thereof shall, within ten days thereafter, be vacated; or within such shorter time, not less than twenty-four hours, as in said notice may be specified; but said Board, if it shall become satisfied that the danger from said house, or part thereof, has ceased to exist, may revoke said order, and it shall thenceforward become inoperative.

SEC. 12. No house hereafter erected shall be used as a tenement-house or lodging-house, and no house heretofore erected and not now used for such purpose, shall be converted into, used, or leased for a tenement or lodging house, unless, in addition to the requirements hereinbefore contained, it conforms to the requirements contained in the following sections.

SEC. 13. It shall not be lawful hereafter to erect for or convert to the purposes of a tenement or lodging house a building on the front of any lot where there is another building on the rear of the same lot, unless there is a clear open space exclusively belonging thereto, and extending upwards from the ground of at least ten feet between said buildings, if they are one story high above the level of the ground; if they are two stories high, the distance between them shall not be less than fifteen feet; if they are three stories high, the distance between them shall be twenty feet; and if they are more than three stories high, the distance between them shall be twenty-five feet. At the rear of every building hereafter erected

for or converted to the purposes of a tenement or lodging house on the back part of any lot, there shall be a clear open space of ten feet between it and any other building. But when thorough ventilation of such open spaces can be otherwise secured, said distances may be lessened or modified in special cases, by a permit from the Metropolitan Board of Health.

SEC. 14. In every such house hereafter erected or converted, every habitable room, except rooms in the attic, shall be in every part not less than eight feet in height from the floor to the ceiling; and every habitable room in the attic of any such building, shall be at least eight feet in height from the floor to the ceiling, throughout not less than one-half the area of such room. Every such room shall have, at least, one window, connecting with the external air, or over the door a ventilator of perfect construction, connecting it with a room or hall which has a connection with the external air, and so arranged as to produce a cross-current of air. The total area of window or windows in every room communicating with the external air, shall be at least one-tenth of the superficial area of every such room; and the top of one, at least, of such windows, shall not be less than seven feet and six inches above the floor, and the upper half, at least, shall be made so as to open the full width. Every habitable room of a less area than one hundred superficial feet, if it does not communicate directly with the external air, and is without an open fireplace, shall be provided with special means of ventilation by a separate air-shaft extending to the roof, or otherwise, as the Board of Health may prescribe.

SEC. 15. Every such house hereafter erected or converted shall have adequate chimneys running through every floor, with an open fireplace or grate, or place for a stove, properly connected with one of said chimneys,

for every family and set of apartments. It shall have proper conveniences and receptacles for ashes and rubbish. It shall have Croton, Ridgewood, or other water furnished at one or more places in such house, or in the yard thereof, so that the same may be adequate and reasonably convenient for the use of the occupants thereof. It shall have the floor of the cellar properly cemented, so as to be water tight. The halls on each floor shall open directly to the external air, with suitable windows, and shall have no room or other obstruction at the end, unless sufficient light or ventilation is otherwise provided for said halls, in a manner approved by the Metropolitan Board of Health.

SEC. 16. Every owner or other person, violating any provision of this act, after the same shall take effect, shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment for not more than ten days for each and every day that such violation shall continue, or by both such fine and imprisonment in the discretion of the court. He shall also be liable to pay a penalty of ten dollars for each and every day that such offence shall continue. Such penalty may be sued for and recovered by the Metropolitan Board of Health, and when recovered shall be paid over to the Treasurer of said Board. In every proceeding for a violation of this act, and in every such action for a penalty, it shall be the duty of the owner of the house to prove the date of its erection or conversion to its existing use, if that fact shall become material, and the owner shall be *prima facie* the person liable to pay such penalty, and after him the person who is the lessee of the whole house, in preference to the tenant or lessee of a part thereof. In any such action the owner, lessee, and occupant, or any two of them, may be made defendants, and judgment

may be given against the one or more shown to be liable as if he or they were sole defendant or defendants.

SEC. 17. A tenement-house, within the meaning of this act, shall be taken to mean and include every house, building, or portion thereof which is rented, leased, let, or hired out to be occupied, or is occupied as the home or residence of more than three families living independently of another, and doing their cooking upon the premises, or by more than two families upon a floor, so living and cooking, but having a common right in the halls, stairways, yards, water-closets, or privies, or some of them. A lodging-house shall be taken to mean and include any house or building, or portion thereof, in which persons are harbored or received, or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any person to sleep in for any term less than a week. A cellar shall be taken to mean and include every basement or lower story of any building or house of which one-half or more of the height from the floor to the ceiling is below the level of the street adjoining.

SEC. 18. The Metropolitan Board of Health shall have authority to make other regulations as to cellars and as to ventilation, consistent with the foregoing, where it shall be satisfied that such regulations will secure equally well the health of the occupants.

SEC. 19. This act, except when it is otherwise expressly provided, shall take effect in May first, eighteen hundred and sixty-seven.

