

ARTICLE XIII

HOUSING HYGIENE AND OCCUPANCY

13.1.0 - Declaration of Policy

There exist and may in the future exist, within the County of Rockland premises, dwellings, dwelling units, rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse condition, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, the establishment and enforcement of minimum housing standards are required.

13.2.0 - Purposes

It is hereby declared that the purpose of this Article is to protect, preserve and promote the physical and mental health and social wellbeing of the people, to minimize the incidence of communicable diseases, to regulate privately and publicly owned dwellings for the purpose of maintaining adequate sanitation and public health, and to protect the safety of the people and to promote the general welfare by regulations which shall be applicable to all dwellings now in existence of hereafter constructed. It is hereby further declared that the purpose of the Article is to insure that the quality of housing is adequate for protection of public health, safety and general welfare. The achievement of this purpose includes the establishment of minimum standards to basic equipment and facilities for healthful living, such as adequate water, waste disposal, bathroom facilities, light, ventilation, heating and cooling, for safety from fire and accidents, for the use and location and amount of space for human occupancy, and for an adequate level of maintenance; setting forth the responsibilities of owners, operators and occupants of dwellings; and establishing the necessary provisions for administration and enforcement.

13.3.0 - Title

This Article shall be known and may be cited as the Rockland County Housing Hygiene and Occupancy Code.

13.4.0 - Application and Scope

13.4.1 The requirements of this Article shall apply to all dwellings, dwelling units, habitable rooms and rooming houses within the jurisdiction of the Rockland County Health District except those regulated under Parts 7 and 15 of the State Sanitary Code.

13.4.2 Construction

It is intended that the application of the provisions of this Article be consistent with the provisions of applicable Rockland County and local laws, codes, rules and regulations; provided, however, that where the provisions of this Article are more

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restrictive, they shall govern, and where the provisions of such applicable Rockland County or local laws, codes, rules and regulations are more restrictive, they shall govern.

13.4.3 Variance

The Commissioner may, on written application and after review, grant a variance from a specific provision of this Article in a specific case subject to appropriate conditions where such variance is in harmony with the general purpose and intent of this Article, and where there are practical difficulties or unnecessary hardship in carrying out the strict letter of its provision.

13.4.4 Separability

If any provisions of this Article are held invalid, such invalidity shall not affect other provisions which shall be given effect without the invalid provisions.

13.5.0 - Dwelling Unfit for Human Habitation

Whenever the Commissioner finds that any dwelling constitutes a serious hazard to the health or safety of the occupant or to the public because it is dilapidated, unsanitary, vermin infested or lacking in the facilities required by this Article, he shall designate such dwelling unfit for human habitation, order the dwelling vacated, and shall cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: **"Use of this building for human habitation is prohibited and unlawful"**. If the owner fails to comply with an order issued by the Commissioner to bring the dwelling into compliance with the requirements of this Article within a reasonable time, the Commissioner may order such dwelling to be removed or demolished as provided for by applicable Rockland County law and laws and regulations of the town, village, city or county having jurisdiction. The provisions of this section are applicable also to unoccupied dwelling units and the owners thereof shall be chargeable with compliance.

13.6.0 - Inspection and Enforcement

13.6.1 Inspection

13.6.1.1 The Rockland County Commissioner and any person authorized by him to do so, may without fee or hindrance, make inspections to determine the condition of dwellings, dwelling units, rooming houses, rooming units and the premises on which they are located, in order fulfill the purposes of this Article.

13.6.1.2 For the purpose of making such inspections, the inspector is hereby authorized to enter, examine and survey all dwellings, dwelling units, rooming houses and rooming units and the premises on which they are located. Except for emergencies, or where authorized by other law, or for the convenience of the occupant or owner, such inspections shall be made between the hours of 8 a.m. and 5 p.m.

13.6.1.3 The owner, the operator and the occupant shall give the inspector free access to the dwelling, dwelling units, rooming house or rooming unit, and

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the premises on which they are located, for the purpose of such an inspection.

13.6.1.4 Evidence of a violation of this Article discovered during such inspection shall not be used against the violator in either a criminal or civil proceeding except under the following conditions:

13.6.1.4.1 written notice of said violation shall be left with or mailed to the person responsible for correction of such violation or in the alternative such notice shall be posted in a conspicuous place upon the dwelling, dwelling unit, rooming house or rooming unit or the premises where the violation is discovered;

13.6.1.4.2 said written notice states a specific and reasonable time within which such violation shall be eliminated; and

13.6.1.4.3 at the end of such time the violation has not been eliminated.

13.6.2 Criminal Penalties

Criminal penalties for violations of this Article shall be those provided for in Section 229 of the Public Health Law.

13.6.3 Civil Penalties

Civil penalties for violations of this Article shall be those provided for in Sections 12 and 309 of the Public Health Law. Determinations with respect to violations and/or assessing of penalties shall be subject to review as provided in Article 78 of the Civil Practice Law and Rules.

13.6.3.1. Decision - Warrant Required For Non-emergency Inspection

The Fourth Amendment bars warrantless, non-emergency, administrative inspection of private residential premises without the occupant's consent. Issuance of a warrant for such inspection, however need not be based upon reasonable cause to believe that a violation exists in the premises sought to be entered, but can be based merely upon the reasonableness of the need to conduct periodic, area-wide inspections. **Camara v. Municipal Court, 387 U.S. 523; cf. See v. City of Seattle, 387 U.S. 541** barring warranties, non-consensual, administrative entry and inspection of private commercial premises.

13.7.0 - Definitions

13.7.1 Accessory Structure

The term "**accessory structure**" shall mean a detached structure or an attached structure located on or partially on any premises, which is not used or not intended to be used for living or sleeping by human occupants.

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13.7.2 **Approved**

The term "**approved**" shall mean approved by the Commissioner.

13.7.3 **Central Heating System**

The term "**central heating system**" shall mean a single system supplying heat to one or more dwelling units(s) or more than one rooming unit(s).

13.7.4 **Conditions Conducive to Lead Poisoning**

The term "**conditions conducive to lead poisoning**" shall mean the presence of a paint or other similar surface-coating material in a condition accessible for ingestion or where peeling or chipping of the paint or other similar surface-coating material occurs or is likely to occur and which paint or other similar surface-coating material contains more than one-half of one percent of metallic lead based on the total weight of the contained solids or dried paint film on interior walls, ceilings, doors, baseboards or window sills and frames or porches of any dwelling.

13.7.5 **Dwelling**

The term "**dwelling**" shall mean any building or structure which is wholly or partly used or intended to be used for living or sleeping by human occupants.

13.7.6 **Dwelling Unit**

The term "**dwelling unit**" shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

13.7.7 **Egress**

The term "**egress**" shall mean a place or means of going safely to the outside of a dwelling or building.

13.7.8 **Extermination**

The term "**extermination**" shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the local or Rockland County authority having such administrative authority.

13.7.9* **Family** (*amended 6/21/06)

13.7.9.1 The term "**family**" shall mean one of the following:

- 13.7.9.1.1 One (1) adult person plus one or more persons who are legally related by blood, marriage or adoption, or is a domestic partner to said person and residing in the same

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dwelling unit with said person. The term “family” when used in the definition of “Rooming House” shall include a domestic partner, mother, father, son, daughter, brother, sister, grandmother, grandfather, half-brother, half-sister, step-brother, step-sister, niece or nephew and no other relation by blood or marriage; or

- 13.7.9.1.2 Three (3) or more persons occupying a dwelling unit and living together as a traditional family or the functional equivalent of a traditional family.
- 13.7.9.2 It shall be presumptive evidence that three (3) or more persons living in a single dwelling unit who are not related by blood, marriage or legal adoption do not constitute the functional equivalent of a traditional family.
- 13.7.9.3 In determining whether individuals are living together as the functional equivalent of a traditional family, the following may be considered:
 - 13.7.9.3.1 the group is one which in theory, size, appearance, structure and function resembles a traditional family unit.
 - 13.7.9.3.2 The occupants share the entire dwelling unit and live and cook together as a single housekeeping unit.
 - 13.7.9.3.3 The group shares expenses for food, rent or ownership costs, utilities and other household expenses.
 - 13.7.9.3.4 The group is permanent and stable. Evidence of such permanency and stability may include:
 - 13.7.9.3.4.1 The presence of minor dependent children regularly residing in the household who are enrolled in local schools;
 - 13.7.9.3.4.2 Members of the household have the same address for purposes of voter’s registration, driver’s license, motor vehicle registration and filing of taxes;
 - 13.7.9.3.4.3 No member of the household makes a profit from letting any portion of the dwelling unit;
 - 13.7.9.3.4.4 All members of the household have common access to, and common use of, all facilities comprising the dwelling unit;
 - 13.7.9.3.4.5 There is common ownership of furniture and appliances among the members of the household;
 - 13.7.9.3.4.6 The group is not transient or temporary in nature.
 - 13.7.9.3.5 Any other factor reasonably related to whether or not the group is the functional equivalent of a family.
- 13.7.9.4 A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family.

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13.7.10 **Garbage**

The term "**garbage**" shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, serving, and non-consumption of food.

13.7.11 **Guest**

The term "**guest**" shall mean any person who shares a dwelling unit in a non-permanent status for not more than 30 days.

13.7.12 **Habitable Room**

The term "**habitable room**" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, kitchenettes and utility rooms of less than 50 square feet, foyers or communicating corridors, stairways, closets and storage spaces; and workshops, hobby and recreation areas in unsealed or uninsulated parts of structure below ground level or in attics.

13.7.13 **Heated Water**

The term "**heated water**" shall mean water heated to a temperature of not less than 120 degrees Fahrenheit.

13.7.14 **Household**

The term "**household**" shall mean a family and/or one or more unrelated persons, who share the same dwelling and use some or all of its cooking and eating facilities. It shall include servants and not more than two boarders.

13.7.15 **Infestation**

The term "**infestation**" shall mean the presence within or around a dwelling of any insects, rodents or other pests.

13.7.16 **Kitchen**

The term "**kitchen**" shall mean any room used primarily for cooking or preparation of food and containing any or all of the following equipment: sink and/or other device for dishwashing, stove or other device for cooking, refrigerator or other device for cool storage of food. Where a room is used for cooking and preparation of food, but not primarily so used, kitchen shall mean that portion of such room which contains the above equipment and an area within three feet of such equipment.

13.7.17 **Meaning of certain words.**

Whenever the terms "**dwelling**", "**dwelling unit**", "**rooming house**", "**rooming unit**", "**premises**", "**structure**" are used in this Article, they shall be construed as though they were followed by the words "**or any part thereof**". Words used in the singular include the plural, and the plural the singular, the masculine gender includes the feminine and the feminine the masculine.

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13.7.18 **Multiple Dwelling**

The term "**multiple dwelling**" shall mean any dwelling containing more than two dwelling units or more than four roomers.

13.7.18 **Occupant**

The term "**occupant**" shall mean any person, over one year of age, living, sleeping, cooking, or eating in, or actually having possession of, a dwelling unit or a rooming unit; except that in dwelling units a guest will not be considered an occupant.

13.7.19 **Operator**

The term "**operator**" shall mean any person who has charge, care or control of a building, or part thereof, in which there are dwelling units or rooming units.

13.7.20 **Owner**

The term "**owner**" shall mean any person who, alone or jointly or severally with other:

13.7.20.1 shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or

13.7.20.2 shall have charge, care, or control of any dwelling or dwelling unit, as owner, lessee, mortgagee or vendee in possession, assignee of rents, or as a receiver; or an executor, administrator, trustee, or guardian of the estate of the owner. Any agent for any of the above shall be bound to comply with the provisions of this Article to the same extent as if he were the owner.

13.7.21 **Permissible Occupancy**

The term "**permissible occupancy**" shall mean the maximum number of persons permitted as a family or household to reside in a dwelling unit or rooming unit based on the square feet per person in habitable rooms.

13.7.22 **Person**

The term "**person**" shall mean and include any individual, firm, public or private corporation, municipality, political subdivision, association, trust, estate, agency, board, department or bureau of a municipality, partnership, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

13.7.23 **Plumbing**

The term "**plumbing**" shall mean and include all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines.

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13.7.24 **Privacy**

The term "**privacy**" shall mean the ability of a person or persons to carry out an activity without interruption or interference, either by sight or sound, by persons outside of the household.

13.7.25 **Premises**

The term "**premises**" shall mean a platted lot or part thereof or unplatted lot or parcel or land or plot of land, whether or not it has erected thereon a dwelling or non-dwelling structure and it includes any building, accessory structure or other structure thereon.

13.7.26 **Rat Harborage**

The term "**rat harborage**" shall mean any place where rats can live, nest or seek shelter.

13.7.27 **Rat Proofing**

The term "**rat proofing**" shall mean a form of construction which will prevent the ingress or egress of rats to or from a given space or building, or gaining access to food, water, or harborage. It consists of the closing and keeping closed of every opening in foundations, basements, cellars, exterior and interior walls, ground or first floors, roofs, sidewalk gratings, sidewalk openings and other places that may be reached and entered by rat climbing, burrowing or other methods, by the use of materials impervious to rat gnawing or by other methods approved by the Commissioner.

13.7.28 **Refuse**

The term "**refuse**" shall mean all putrescible and non-putrescible solids (except body wastes) including garbage, rubbish, ashes and dead animals.

13.7.29 **Refuse Container**

The term "**refuse container**" shall mean a watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions, or such other containers approved by the Commissioner. Openings into the container such as covers and doors shall be tight fitting.

13.7.30 **Rooming Unit**

The term "**rooming unit**" shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

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13.7.31* Rooming House

The term "**rooming house**" shall mean any dwelling or that part of any dwelling containing one or more rooming units, in which space is occupied by three or more roomers who are not members of a family. (*amended 6/21/06)

13.7.32 Rubbish

The term "**rubbish**" shall mean non-putrescible solid wastes (excluding ashes) consisting of either or both:

13.7.32.1. combustible wastes such as paper, cardboard, rags, furniture, plastic containers, yard clippings, tree branches, leaves and wood, and

13.7.32.2. non-combustible wastes such as tin cans, glass, crockery and discarded appliances.

13.7.33 Safety

The term "**safety**" shall mean the condition of being reasonably free from danger and hazards which may cause accidents or disease.

13.7.34 Supplied

The term "**supplied**" shall mean paid for, furnished, provided by or under control of the owner or operator.

13.8.0 - Occupancy and Letting Responsibilities

No owner or other person shall occupy or let to another person any vacant dwelling or dwelling unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with the requirements of this Article and all applicable laws.

13.9.0 - Owner to Maintain in a Clean and Sanitary Condition

Every owner of a dwelling containing two or more dwelling units shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and premises thereof.

13.10.0 - Occupant to Maintain in a Clean and Sanitary Condition

Every occupant of a dwelling or dwelling unit shall maintain in a clean and sanitary condition that part or those parts of the dwelling, dwelling unit and premises thereof that he occupies and controls.

13.11.0 - Occupant to Dispose of Rubbish

Every occupant of a dwelling or dwelling unit shall store or dispose of all his rubbish in a clean, sanitary and safe manner.

13.12.0 - Occupant to Dispose of Garbage

Every occupant of a dwelling or dwelling unit shall dispose of or store all his garbage or any other organic waste which might provide food for insects or rodents, in a clean, sanitary and safe manner. Rodent-proof, insect-proof, watertight refuse containers shall be used for storage pending collection.

13.13.0 - Containers to be Provided for Rubbish and Garbage

Every owner of a dwelling containing three or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In single or two family dwellings it shall be the responsibility of the occupant to furnish such facilities or refuse containers.

13.14.0 - Screens, Double Doors, Storm Doors and Windows

The owner of a dwelling unit shall be responsible for providing and hanging all screens and double or storm doors and windows whenever the same are required under the provisions of this Article, except where a written agreement between the owner and occupant provides otherwise. In the absence of a written agreement between the owner and occupant providing otherwise, maintenance or replacement of screens, storm doors and windows, one installed in any one season become the responsibility of the occupant.

13.15.0 - Responsibility for Extermination

Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; and every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for such extermination whenever his dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof or reasonable insect-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.

13.16.0 - Rodent Control

13.16.1 Every occupant of a dwelling or dwelling unit shall store and dispose of accumulated rubbish, boxes, lumber, scrap metal, or any other materials in such a manner as to prevent rodent harborage in or about any dwelling or dwelling

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unit. Materials shall be stacked neatly in piles elevated at a level high enough to permit effective cleaning.

- 13.16.2 Every owner of a dwelling containing two or more dwelling units shall supply facilities or make provisions for the storage and disposal of accumulated rubbish, boxes, lumber, scrap metal or any other materials in such a manner as to prevent rodent harborage in or about the shared or public areas of a dwelling or its premises. Materials shall be stacked neatly in piles elevated at a level high enough to permit effective cleaning.
- 13.16.3 Every owner or occupant of a dwelling or dwelling unit shall not store, place, or allow to accumulate any materials that may serve as food or harborage for rodents in a site accessible to rodents.
- 13.16.4 No person shall feed in the open any domestic or wild fowl, birds or animals other than in a suitable container and in such a manner so as to prevent scattering of food upon the ground or ground level which can or will provide food for rodents, insects, vermin or other pests.

13.17.0 - Occupants Responsibility as to Supplied Fixtures and Facilities

- 13.17.1 Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean, sanitary and operable condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.
- 13.17.2 **Occupant's responsibility as to domestic animals and pets:** Every occupant shall keep his domestic animals and pets in a clean and sanitary manner and under control.

13.18.0 - Minimum Standards for Basic Equipment and Facilities for Dwelling or Dwelling Unit Occupied or Let for Living, Sleeping, Cooking or Eating

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purposes of living, sleeping, cooking or eating therein, which does not comply with following requirements:

13.18.1 Kitchen Requirements

Every dwelling unit shall have a room or portion of a room in which food may be prepared and/or cooked and which room shall have adequate floor area available for occupant use and be equipped with the following:

- 13.18.1.1 A kitchen sink in good working condition and properly connected to a water supply system which is approved by the Commissioner and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the Commissioner.
- 13.18.1.2 Cabinets and/or shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not under ordinary maximum summer conditions require refrigeration for safe keeping; a counter or table for food preparation; provided, further that

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said cabinets and/or shelves and counter or table shall be sufficient for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food.

- 13.18.1.3 A stove, or similar device, for cooking food and a refrigerator for the safe storage of food at temperatures less than 45 degrees Fahrenheit, but more than 32 degrees Fahrenheit, which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove and refrigerator need not be installed when a dwelling unit is not occupied, when the occupant is expected to provide same on occupancy, and sufficient space for the safe and efficient installation and operation of said stove and refrigerator is provided.

13.18.2 Water Closet Requirements

Within every dwelling unit there shall be a non-habitable room which affords privacy to a person within said room and which is equipped with a flush water closet in good working condition. Said flush water closet shall be connected to a water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly and shall be connected to a sewer system which is approved by the Commissioner.

13.18.3 Lavatory Sink Requirements

Within every dwelling unit there shall be a room which affords privacy to a person within said room which is equipped with a lavatory sink. Said lavatory sink may be in the same room as the flush water closet or in another room; provided that, if located in a room other than the one containing the flush water closet, the water closet shall be located in close proximity to the door leading directly into the room in which said lavatory sink is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the Commissioner and which provides at all times an adequate amount of heated and unheated, running water under pressure, and which is connected to a sewer system approved by the Commissioner.

13.18.4 Bathtub or Shower Requirements

Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said bathtub or shower may be in the same room as the flush water closet or in another room and shall be properly connected to a water supply system which is approved by the Commissioner and which provides at all times an adequate amount of heated and unheated running water under pressure, and which is connected to a sewer system approved by the Commissioner.

13.18.5 Means of Egress

Every dwelling unit in a one or two-family dwelling shall have at least one approved means of egress and a second approved means of egress for each floor above the second where there is living above the second floor. Every multiple dwelling shall have remotely located from each other two or more

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approved means of egress from each floor leading to safe and open space at ground level, as required by law. A sprinkler system satisfactory to the Commissioner, may be substituted in lieu of one means of egress provided that no existing Rockland County or local statute is contravened.

13.19.0 - Minimum Standards for Light and Ventilation Required for Dwelling or Dwelling Unit Occupied or Let for Living Purposes

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

13.19.1 Windows or Skylights

Every habitable room shall have at least one window or skylight facing directly outdoors. The minimum total window or skylight area, measured between stops, for every habitable room shall be at least 10 percent of the floor area of such room. Whenever outside walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area.

13.19.2 Ventilation

Every habitable room shall have at least one window or skylight which can easily be opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least 45 per cent of the minimum window area size or minimum skylight type window size, as required in subdivision (a) above, except where there is supplied some other device affording adequate ventilation and approved by the Commissioner.

13.19.3 Bathroom and Water Closet

Every bathroom and water closet compartment shall comply with the light and ventilation requirement for habitable rooms contained in subdivisions 13.19.1 and 13.19.2 above, except that no window or skylight shall be required in adequately ventilated bathrooms and water closet compartments equipped with a ventilation system which is approved by the Commissioner.

13.19.4 Electric Service

Where there is electric service available from power lines which are not more than 300 feet away from a dwelling, every dwelling unit and all public and common areas shall be supplied with electric service, outlets and fixtures. Such outlets and fixtures shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a manner prescribed by law. The capacity of such service and the number of outlets and fixtures shall be as follows:

13.19.4.1 Every habitable room shall have an electric service and outlets and/or fixtures capable of providing at least three watts per square foot of floor area.

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13.19.4.2 Every habitable room shall have at least one floor or wall type electric convenience outlet for 60 square feet or fraction thereof of floor area, and in no case less than two such outlets.

13.19.4.3 Every water closet compartment, bathroom, laundry room, furnace room, and public hall shall contain at least one supplied ceiling or wall type electric light fixture.

13.19.4.4 Convenient switches for turning on one light in each room or passageway shall be located so as to permit the area ahead to be lighted.

13.19.5 Lighting For Public Halls and Stairways

Every public hall and stairway in every multiple dwelling shall be adequately lighted by natural or electric light at all times so as to provide at least 10 foot-candles of light at the tread or floor level. Every public hall and stairway in structures containing not more than two dwelling units shall be supplied with conveniently located light switches controlling an adequate lighting system which may be turned on when needed, instead of full-time lighting.

13.20.0 - Minimum Thermal Requirements for Occupying or Letting, for Living Purposes

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

13.20.1 Heating Facilities

Every dwelling shall have heating facilities which are properly installed, and are maintained in safe and good working condition, and are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments in every dwelling unit as noted in 13.20.2 below.

13.20.2 Minimum Temperature

The owner is responsible for furnishing the heat unless the rental agreement provides otherwise. Where the owner furnishes the heat, the temperature shall be maintained at not less than 68 degrees Fahrenheit at a distance of 18 inches above floor level and three feet from an outside wall.

13.20.3 Space and Water Heaters

Unvented flame space heaters and space heaters without back-draft diverter and automatic controls are prohibited; portable electric heaters, approved under the appropriate local or Rockland County electrical and/or fire prevention code are acceptable (where they meet the provisions of subdivision 13.20.1 of this section). Where there is no such local or Rockland County Code, portable electric heaters meeting the standards of the National Electrical Code, as approved by the Underwriter Laboratories, Inc. and the Commissioner are acceptable. Gas-fueled space or water heaters and accessories or controls shall

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be properly installed and be of a type approved by the American Gas Association and the Commissioner.

13.21.0 - Maintenance and Installation Requirements for Dwelling or Dwelling Unit Occupied or Let for Living Purposes

No person shall occupy as owner, occupant or let to another for occupancy any dwelling or dwelling unit, for the purpose of living therein, which does not comply with the following requirements:

13.21.1 General

Every foundation, roof and exterior wall, door, skylight and window shall be reasonably weathertight, watertight, and damp-free and shall be kept in sound condition and good repair. Floors, interior walls, doors and ceilings shall be sound and in good repair. All exterior wood surfaces other than decay resistant woods, shall be protected from the elements and decay by paint or other protective covering or treatment. Lead based and other toxic paints and materials shall not be used on any interior surface or any surface readily accessible to children. Walls shall be capable of affording privacy for the occupants. Every premises shall be well graded, drained and maintained in a clean, sanitary and safe condition.

13.21.2 Windows, Doors and Hatchways

Every window, exterior door and basement hatchway or similar devices, shall be kept rodent-proof and reasonably watertight and weathertight, and shall be kept in sound working condition and good repair.

13.21.3 Screening

During that portion of the year when there is a need for protection against mosquitoes, flies and other flying insects, every door opening directly from a dwelling unit to outside space shall have supplied properly fitting screens having at least 16 mesh and a self-closing device; and every window or other device with openings to outdoor space, used or intended to be used for ventilation, shall likewise be supplied with screens: provided that such screens shall not be required during such period in rooms deemed by the Commissioner to be located high enough in the upper stories of buildings as to be free from such insects, and in rooms located in areas which are deemed by the Commissioner to have so few insects as to render screens unnecessary.

13.21.4 Prevent Entrance of Rodents

Every window located at or near ground level used or intended to be used for ventilation, and every other opening located at or near ground level which might provide an entry for rodents, shall be supplied with adequate gauge screen or such other devices as will effectively prevent their entrance.

13.21.5 Safety

Every foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, and every appurtenance to any of these shall be safe to use and

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capable of supporting the loads that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair. Every inside and outside stair or step shall have uniform risers and treads and be provided with non-skid materials. Stairways shall have handrails structurally sound, of reasonable height, and where needed, balusters adequately spaced.

13.21.6 Plumbing Fixtures and Water and Waste Pipes

Every plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition.

13.21.7 Floors For Water Closet Compartments, bathrooms and kitchens

Every water closet compartment, bathroom and kitchen floor surface and baseboard shall be constructed and maintained so as to be impervious to water so as to permit such floor to be easily kept in a clean and sanitary condition.

13.21.8 Construction, Installation and Maintenance

Every plumbing fixture pipe, chimney, flue and smoke pipe, and every other facility, piece of equipment, or utility which is present in a dwelling or dwelling unit, or which is required under this Article, shall be constructed and installed in conformance with the applicable local, Rockland County or national codes and shall be maintained in satisfactory working condition.

13.21.9 Fire Protection

All construction and materials and ways and means of egress, and installation and use of equipment shall conform to applicable laws dealing with fire protection.

13.21.10 Lead Poisoning

Existing paint conditions conducive to lead poisoning shall be eliminated in accordance with procedures contained in Article I3, Title X of the Public Health Law.

13.22.0 - Discontinuance of Services, Facilities, Equipment or Utilities

No owner, operator, or occupant shall cause or be responsible for causing any service, facility, equipment or utility which is required under this Article to be removed from or shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied by him; except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is either not reasonably avoidable or is approved by the Commissioner.

13.23.0 - Maximum Density, Minimum Space, Use and Location Specification Requirements

No person shall occupy or let to be occupied any dwelling or dwelling unit, for the purpose of living therein, unless there is compliance with the following requirements:

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13.23.1 Maximum Density

Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

13.23.2 Occupancy Limited To One Family Plus Two Occupants

A dwelling unit shall not be occupied by more than one family, plus two occupants unrelated to the family, except for guests or domestic employees, unless a permit for a rooming house has been granted by the Commissioner.

13.23.3 Ceiling Height

The ceiling height of any habitable room shall be at least 7 1/2 feet; except that in any habitable room under a sloping ceiling at least one half of the floor area shall have a ceiling height of at least 7 1/2, and the floor area of that part of such a room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy.

13.23.4 Habitable Room Below Grade

No space located partially or totally below grade shall be used as a habitable room of a dwelling unit unless:

13.23.4.1 The floor and those portions of the walls below grade are of waterproof and damp-proof construction.

13.23.4.2 The minimum window area is equal to at least that required in Section 13.19.1 and is located entirely above the grade of the ground adjoining such window area, or, if windows are located wholly or partly below grade, there be constructed a properly drained window well the ground area of which is equal to or greater than the area of the masonry opening for the window, the bottom of which is below the top of the impervious masonry construction under this window, with the minimum horizontal distance at a right angle from any point of the window wall being equal to or greater than the vertical depth of the window well, as measured from the bottom of the masonry opening for the window.

13.23.4.3 The total openable window area in each room is equal to at least the minimum as required under Section 19.19.2 of this Article, except where there are supplied some other devices affording adequate ventilation and humidity control which are approved by the Commissioner.

13.23.4.4 There are no pipes, ducts or other obstructions less than 6 feet, 8 inches from the floor level which interfere with the normal use of the room or area.

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13.23.5 Floor Space For Sleeping Rooms

In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space for the first occupant, and at least 50 square feet of floor space for each additional occupant thereof.

13.23.6 Access To Bathrooms, Water Closet Compartments and Sleeping Rooms

No dwelling or dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom or water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or water closet compartment.

13.23.7 Closet Space

Every dwelling unit shall have at least four square feet of closet space for the personal effects of each permissible occupant; if it is lacking, in whole or in part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

13.23.8 Storage of Drugs and Poisons

Each dwelling shall have a suitable facility for the safe storage of drugs, household poisons and other hazardous materials.

13.24.0 - Rooming House - General

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of this Article. No owner or other person shall occupy or let to another person any vacant rooming unit unless it is clean, sanitary, and fit for human occupancy, and complies with all applicable legal requirements.

13.25.0 - Rooming House Permit

13.25.1 Permit Required

No person shall operate a rooming house unless he holds a valid rooming house permit issued by the Commissioner in the name of the operator and for the specific dwelling or dwelling unit. The applicant must be a fit and proper person to operate a rooming house and the rooming house which he intends to operate must be in compliance with the provisions of this Article. This permit shall be displayed in a conspicuous place within the rooming house at all times. No such permit shall be transferable. Every person holding such a permit shall give notice in writing to the Commissioner within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house. Every rooming

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house permit shall expire at the end of one year following its date of issuance, unless sooner suspended or revoked as hereinafter provided.

13.25.2 Modification, Suspension or Revocation of a Permit

A permit to operate a rooming house may be modified, suspended or revoked by the Commissioner or his designee. Such action may be taken because of:

- 13.25.2.1 failure to comply with one or more of the provisions of this Article;
- 13.25.2.2 refusal to permit inspection;
- 13.25.2.3 mistake in issuance of the permit;
- 13.25.2.4 false statements on the application for the permit;
- 13.25.2.5 the permittee's conviction of a crime;
- 13.25.2.6 any act or conduct of the permittee which indicates his unfitness to operate a rooming house; or
- 13.25.2.7 for other good reason.

13.25.3 Hearing

Before a permit may be modified, suspended or revoked, the permittee shall have the opportunity to be heard, except that a permit may be temporarily suspended pending a hearing.

13.26.0 - Requirements for Water Closet, Lavatory and Bathtub or Shower

At least one flush water closet, lavatory basin and bathtub or shower, properly connected to a water and sewer system approved by the Commissioner and in good working condition, shall be supplied for each six persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities, except that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one half of the required number of water closets greater than one.

13.26.1 Accessibility

All such facilities shall be so located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

13.26.2 Hot and Cold Water

Every lavatory basin and bathtub or shower shall be supplied with heated and unheated water at all times.

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13.26.3 Facilities In Basements

No such facilities shall be located in a basement, except by written approval of the Commissioner.

13.27.0 - Cooking and Dining

13.27.1 No Cooking

Cooking in a rooming unit shall be prohibited.

13.27.2 No Communal Cooking and Dining

Communal cooking and dining facilities in a rooming house shall be prohibited, except as approved by the Commissioner in writing.

13.28.0 - Locks for Doors

Rooming unit doors shall have operating locks to insure privacy.

13.29.0 - Bed Linen and Towels

The operator of every rooming house shall change supplied bed linen and towels therein at least once each week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.

13.30.0 - Floor Space for Sleeping Rooms

Every room occupied for sleeping purposes by one person shall contain at least 80 square feet of floor space, and every room occupied for sleeping purposes by more than one person shall contain at least 60 square feet of floor space for each occupant thereof.

13.31.0 - Egress

Every rooming unit shall have two or more safe, unobstructed means of egress leading to safe and open space at ground level, as required by law. A sprinkler system satisfactory to the Commissioner may be substituted in lieu of one means of egress.

13.32.0 - Compliance With Local Ordinances

The Department shall, within fifteen (15) days of the receipt of an application for a rooming house permit, forward a copy of said application to the building inspector or other appropriate official of the municipality where the proposed rooming house is to be located.

13.33.0 - Applicability to Hotels and Motels

Every provision of this Article which applies to rooming houses shall also apply to hotels and motels, except to the extent that any such provision may be found in conflict with other laws of this Rockland County.

13.34.0 - Single-Station Smoke Detectors

13.34.1 Definition

Single-Station Smoke Detectors

The term "**single-station smoke detectors**" means an assembly comprised of a photoelectric or ionization type, control equipment and audible alarm in one unit, which upon detection of smoke, activates the alarm which is independent of any other smoke detector. Detectors shall be approved by Underwriter's Laboratories.

13.34.2 Design and Installation-Smoke Detectors

13.34.2.1 Single-Station Smoke Detectors shall be designed and installed so as to avoid dead air space, detect smoke and activate the alarm, be free from false alarm and provide a manual tester to determine the alarm is energized.

13.34.2.2 Smoke Detectors connected to a central alarm system and which is connected to the local fire alarm system shall be permitted in lieu of Single-Station Smoke Detectors.

13.34.3 Application

13.34.3.1 Every owner shall be required to install Single-Station Smoke Detectors in all dwellings, dwelling units and rooming units, except single-family/owner occupied dwellings, used for residential living as follows:

13.34.3.1.1 Single Family Dwellings

At least one Single-Station Smoke Detector alarm device properly installed shall be located on or near the ceiling within ten (10) feet adjacent to sleeping areas.

13.34.3.1.2 Two Family Dwellings

Each dwelling unit shall have at least one Single-Station Smoke Detector alarm device properly installed and shall be located on or near the ceiling within ten (10) feet adjacent to sleeping areas.

13.34.3.1.3 Multiple Dwellings

Each dwelling unit shall have at least one Single-Station Smoke Detector alarm device properly installed and shall

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be located on or near the ceiling within ten (10) feet adjacent to sleeping areas, and every rooming unit shall have at least one Single-Station Smoke Detector properly installed and shall be located on or near the ceiling in the center of the room.

- 13.34.3.2 Every occupant of a dwelling unit or rooming unit shall be responsible for the normal maintenance of the Single-Station Smoke Detector.
- 13.34.3.3 Upon the installation of a properly operating Single-Station Smoke Detector, the owner shall be deemed to have been in full compliance of this Article provided the owner shall have the obligation to replace the Single-Station Smoke Detector having manufacturer's defect upon receipt of written notice of same.
- 13.34.3.4 Each occupant of a dwelling unit, covered by this Article, shall provide access to the owner for installation of a Single-Station Smoke Detector between the hours of 9 A.M. to 5 P.M. from Monday through Friday and shall cooperate with the owner in permitting the installation of said device.
- 13.34.3.5 An owner shall be relieved of the obligations set forth hereinabove and application of same by notifying the Commissioner, in writing, certified mail, return receipt requested, of his inability to obtain access to a dwelling unit for the purposes of this Section. Said notification shall contain the address and identification of the dwelling unit and upon mailing said notice the owner shall be deemed relieved from any responsibility arising out of or incidental to this Section, until such time as entry to the dwelling unit is obtained.
- 13.34.3.6 Notwithstanding Subsection 13.14.3.5, the owner shall install the Single-Station Smoke Detector after being given written notice of the availability of access to the dwelling unit.

13.35.0 – Carbon Monoxide Detectors*

*Section added 6/16/04

13.35.1 Declaration of Policy

Carbon Monoxide is a colorless, odorless, and poisonous gas produced by the incomplete combustion of the fuels commonly used to provide hot water, heat residential dwellings, and cook. The undetected presence of carbon monoxide in residential dwellings is a danger to the health of Rockland County residents. The loss of life caused by carbon monoxide poisoning is preventable by the proper installation and use of carbon monoxide detectors and alarms. It is therefore the policy of the Rockland County Health District to protect the safety of Rockland County residents by requiring the presence of properly maintained carbon monoxide detectors located at key points throughout residential dwellings.

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13.35.2 Definitions

13.35.2.1 **Carbon Monoxide Detector and Alarm**

The term “**carbon monoxide detector and alarm**” shall mean a unit, which consists of a carbon monoxide detector and an alarm, which is activated upon the detection of carbon monoxide. Detectors shall be of the type approved by the Underwriters laboratories Standard UL 2034, latest edition. Units shall be equipped to provide a digital readout of the carbon monoxide concentration which must display continuously or when unacceptable levels of carbon monoxide are present. The detector shall be equipped with a display to indicate the maximum carbon monoxide concentration recorded since the meter was last checked and reset. Hard-wired and plug in type detectors shall contain an independent battery backup system.

13.35.2.2 **.Dead Air Space**

The term “**dead air space**” shall mean that volume of air in an enclosed space extending six (6) inches from the junction of the ceiling and walls of the enclosed space.

13.35.2.3 **Residential Dwellings**

The term “**residential dwellings**” shall mean one family dwelling, two family dwelling, multiple dwelling, hotel, motel and mobile home and shall have the same meaning as defined in the “New York State Uniform Fire Prevention and Building Code”.

13.35.2.4 **Units**

The term “**units**” shall mean a carbon monoxide detector and alarm.

13.35.3 Design and Installation – Carbon Monoxide Detectors and Alarms.

13.35.3.1 Carbon monoxide detectors and alarms shall be installed within ten feet of the entrance to all bedrooms in a mobile home or one family or two family dwelling.

13.35.3.2 Carbon monoxide detectors and alarms shall be installed in all multiple dwellings in Rockland County. The units shall be located in the hallway of each floor and spaced no more than 40 feet apart. At least one unit shall be installed within each residential dwelling unit located no more than ten feet from the entrance to any sleeping areas.

13.35.3.3 All carbon monoxide detectors and alarms shall either be directly connected to the electrical system of the dwelling with no intervening wall switch or shall be battery powered. Plug in type units with no intervening wall switch shall be permitted. Each unit shall be mounted in accordance with the manufacturer’s instructions or as required by

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regulations adopted pursuant to this law. Units shall not be mounted in areas of low air movement (dead air spaces).

13.35.4 Installation

13.35.4.1 Every owner of a one family dwelling, two family dwelling, multiple dwelling, hotel, motel, or mobile home in Rockland County, whether for temporary or permanent occupancy, shall be required to install and maintain within the building carbon monoxide detectors and alarms in accordance with this section as follows

13.35.4.2 For all transfers of existing mobile homes and one or two family dwellings occurring after July 1, 2004, the owner in accordance with this local law, shall install within the building carbon monoxide detectors and alarms prior to closing of title and the transfer of said property to its subsequent owner. The owner shall provide the Rockland County Health Department with proof of the required installation on a form to be provided by the Rockland County Commissioner of Health. Such form shall be submitted within thirty (30) days after the closing of title and the transfer of said property to its subsequent owner. All subsequent owners shall be responsible for the maintenance of the unit after occupancy.

13.35.4.3 The owner of residential dwelling units including but not limited to mobile homes, one family dwellings, two family dwellings, multiple dwellings, hotels, motels, and rooming houses in Rockland County, built or occupied for the first time after September 1, 2004, shall install and maintain within these buildings carbon monoxide detectors and alarms prior to occupancy. Said owner shall provide the Rockland County Department of Health with proof of installation on a form provided by the Rockland County Commissioner of Health. Such form shall be provided to the Rockland County Health Department no less than thirty (30) days prior to occupancy.

13.35.4.4 The owners of all multiple dwellings, hotels, motels, and rooming houses built and occupied prior to September 1, 2004 shall install and maintain within each building carbon monoxide detectors and alarms. The owner shall provide proof of such installation to the Rockland County Department of Health on a form provided by the Rockland County Commissioner of Health. Such form shall be provided to the Rockland County Health Department within thirty (30) days of installation of carbon monoxide detectors.

13.35.5 Each day a violation continues to exist after the owner's notification of the existence of a violation by the Health Department shall be deemed to be an additional violation.

13.35.6 Separability of Provisions

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity

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or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

13.36.0 - Effective Date

The effective date of this Article is May 1, 1996.

Revised: June 16, 2004 (addition of 13.35.0 – Carbon Monoxide Detectors)

Revised: October 26, 2005

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