

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2011**

No. 57

Introduced by Council Members Dilan, Barron, Cabrera, Chin, Comrie, Gonzalez, Koppell, Mealy, Mendez, Vann, Williams, Mark-Viverito, Brewer, Recchia Jr., Gennaro, Van Bramer, Nelson, Jackson, Arroyo, Eugene, Crowley, Lander, Weprin and Rodriguez

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the installation of window guards.

Be it enacted by the Council as follows:

Section 1. Article 11 of subchapter two of chapter two of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2043.1 to read as follows:

§27-2043.1 Window guards. a. An owner of a multiple dwelling and an owner of a dwelling unit in a multiple dwelling owned as a condominium shall provide, install and maintain a window guard, in accordance with specifications established by the department of health and mental hygiene, on each window of each dwelling unit in which a child ten years of age or under resides, and on the windows, if any, in the public areas of a multiple dwelling in which such a child resides.

b. Subdivision a of this section shall not apply to a window that gives access to a fire escape or to a window that is a required means of egress from a dwelling unit on the first floor of a multiple dwelling.

c. No tenant or occupant of a dwelling unit, or other person, shall obstruct or interfere with the installation or maintenance of a window guard as required by subdivision a of this section nor shall any person remove such window guard.

d. No owner of a multiple dwelling and no owner of a dwelling unit in a multiple dwelling owned as a condominium shall refuse a written request of a tenant or occupant of a dwelling unit to provide, install and maintain a window guard, in accordance with specifications established by the department of health and mental hygiene, regardless of whether such provision, installation and maintenance is required pursuant to subdivision a of this section, except that this subdivision shall not apply to a window that gives access to a fire escape or to a window that is a required means of egress from a dwelling unit on the first floor of a multiple dwelling.

e. Any owner required to provide, install and maintain a window guard pursuant to subdivision a or d of this section who fails to provide, install or maintain a window guard shall be liable for a class C immediately hazardous violation. Notwithstanding any other provision of law to the contrary, the time within which to correct such violation shall be twenty-one days after service of the notice of violation.

f. Notwithstanding any other provision of law to the contrary, the department shall be the sole agency of the city authorized to seek a monetary penalty from an owner who is required to provide, install and maintain a window guard for failure to provide, install or maintain such window guard. Nothing in this section shall limit the authority of the department of health and mental hygiene to investigate a fall from any window or to issue an order to correct any condition that such department determines contributed to such fall.

§2. This local law shall take effect thirty days after its enactment.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council onSeptember 8, 2011..... and approved by the Mayor onSeptember 27, 2011.....

MICHAEL M. McSWEENEY, City Clerk Clerk of the Council.

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE §27

Pursuant to the provisions of Municipal Home Rule Law §27, I hereby certify that the enclosed Local Law (Local Law 57 of 2011, Council Int. No. 531-A) contains the correct text and was passed by the New York City Council on September 8, 2011 approved by the Mayor on September 27, 2011 and returned to the City Clerk on September 28, 2011.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.