

FACT SHEET



George E. Pataki, Governor
Joseph H. Holland, Commissioner

A PUBLICATION OF NEW YORK STATE
DIVISION OF HOUSING AND COMMUNITY RENEWAL
OFFICE OF RENT ADMINISTRATION

#25 Window Guards

The New York City Health Code [S. 131.15] requires owners of multiple dwellings (3 apartments or more) in New York City to provide, install, and maintain window guards when a child (or children) ten years old or younger lives there. Tenants with no children - or none living at home - may also request and receive window guards if they want them for any reason.

Window guards approved by the NYC Department of Health (DOH) must be properly installed according to DOH specifications in all windows, including bathroom windows, except any window providing access to fire escapes. For buildings with **fire escapes** above the first and ground floors, but none below, one window must be left unguarded to allow for a secondary exit from the apartment [NYC Building Department rule 4.10].

An owner of a rent stabilized or rent controlled apartment may collect a temporary surcharge from the tenant. The maximum amount of this temporary surcharge may not exceed \$10 per window guard. The tenant may choose to pay at one time, or in equal monthly installments over a one, two, or three year period. **This charge does not become a part of the base rent for the apartment.** The first monthly installment may be collected on the first day of the month **following** installation, without an official order from the New York State Division of Housing and Community Renewal (DHCR). If a tenant leaves the apartment before the total surcharge is paid in full, the tenant must pay the balance immediately. The owner may deduct the remaining unpaid portion from the tenant's security deposit. When a new tenant moves into an apartment in which window guards were installed for the previous tenant, the new tenant may not be charged for them. If the window guards have been fully paid for and the owner replaces them due to the owner's renovation or replacement of windows, a second surcharge in that apartment may not be collected from that tenant or any later one.

Recipients of public assistance, holders of Section 8 certificates, households receiving Senior Citizen Rent Increase Exemptions (SCRIE), Supplemental Security Income (SSI), or State payments under Section 209 of the Social Service Law, will not be required to pay this charge out-of-pocket. Instead, with a two-party check issued through local Income Maintenance Centers, the Human Resources Administration will reimburse owners after the tenant submits an itemized bill on the owner's stationery following the window guard installation. Recipients of SSI or Section 209 subsidies may contact their Social Services District Office with an itemized bill from the owner following the window guard installation.

Owners of multiple dwellings are also responsible for the installation of window guards in public areas if a child ten years old or younger lives in the building. The cost of window guards installed in public areas may not be passed on to tenants in the building.

Each year, between January 1 - January 15, owners must comply with DOH and NYC Administrative Code (S.17-123) requirements and send or deliver to each tenant or occupant a DOH approved form in English and Spanish. The tenant must complete the form and return it to the owner indicating whether or not children ten years old or younger live in the apartment or if the tenant or occupant wants window guards for any reason. Failure to follow this procedure by the owner or tenant is a violation of NYC Administrative Code (17-123). Owners are also required to attach a DOH approved special lease Notice To Tenant ("Appendix A") to: (1) all **vacancy** leases and, (2) all **renewal** leases.

The window guards and their installation must conform to DOH specifications or the owner will be in violation and ordered to replace or correct them. Only DOH approved guards, properly installed, qualify for the temporary surcharges. DOH will supply owners with a list of approved manufacturers of window guards and specifications, upon request.

Owners and tenants may obtain additional information and assistance regarding notification procedures and DOH regulations as well as Annual Notice to Tenant or Occupant forms (Appendix B”) by contacting:

**NYC Department of Health
Window Falls Prevention Program
65 Worth Street, 5th Floor
New York, NY 10013
(212) 442-1999**

A tenant who believes that an owner has not complied with the regulations on window guards should discuss the problem with the owner. If the owner does not address the tenant's concerns, the tenant may report a noncomplying owner or improperly installed window guard(s) by calling the NYC Department of Health, Bureau of Central Complaints and Information at (212) 442-9666.

Tenants or owners with questions about the temporary surcharge should call DHCR's Rent Infoline, (718) 739-6400 or visit their local Borough Rent Office.

Central
92-31 Union Hall Street
4th Floor
Jamaica, NY 11433
(718) 739-6400

Brooklyn
250 Schermerhorn Street
3rd Floor
Brooklyn, NY 11201

Upper Manhattan
163 W. 125th Street
5th Floor
New York, NY 10027
North side of 110th St. and above

Lower Manhattan
156 William Street
9th Floor
New York, NY 10038
South side of 110th St. and below

Bronx
1 Fordham Plaza
2nd Floor
Bronx, NY 10458

Staten Island
60 Bay Street
7th Floor
Staten Island, NY 10301