

Understanding the Basics

Each year, young children at risk of falls are injured or die in falls from unguarded windows. To address the incidence of preventable falls and fatalities, in 1976 the New York City Board of Health enacted legislation known as Health Code Section 131.15.

The window guard law, Health Code Section 131.15, requires owners of multiple dwellings (buildings of 3 or more apartments) to provide and properly install approved window guards on all windows - this includes, first floor bathroom and windows leading onto a balcony or terrace in an apartment where a child (or children) 10 years of age or younger reside and in each hallway window, if any, in such buildings.

The exceptions to this law are:

- windows that open onto fire escapes
- a window on the first floor that is a required secondary exit in a building in which there are fire escapes on the second floor and up.

The New York City Council in Local Law 33, 1986, amended the Administrative Code adding a new section, 556-19.0 to Title A Chapter 22, re-codified as Section 17-123, requiring the following notices to be sent to tenants or occupants of multiple dwellings in relation to window guards.

By law, (1) Window Guards Required Lease Notice to Tenant or Occupant (Appendix A). This form must be completed and returned to management when a new lease is entered into or when a lease is renewed. In addition, a landlord or management must send an Annual Notice to Tenant or Occupant (Appendix B). This form must also be completed and returned to management.

If tenants or occupants want window guards for any reason, even if there are no resident children in the covered age category, they should request them in writing and they may not be refused. Examples:

- grandparents who have visiting children
- parents who share intermittent custody
- occupants who provide child care.

If required or requested window guards have not been installed or if they appear to be insecure or improperly installed, or if there is more than 4 ½ inches of open unguarded space in the window opening, a complaint should be made immediately to **311**.

For more information on Window Guards, call **311**.

City of New York
Health Dept. Ord.

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