



NEW YORK STATE DEPARTMENT OF STATE

Division of Code Enforcement and Administration
Uniform Fire Prevention and Building Code - 2002 Edition

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TECHNICAL BULLETIN

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Topic: Occupancy classification of a leased one-family dwelling as a vacation home

This document is to clarify the occupancy classification of a one-family dwelling that is leased for a finite period, to one group of individuals as a whole in a one-family dwelling regulated by the *Residential Code of New York State* (RCNYS) and often called a vacation home.

The RCNYS defines the following terms:

DWELLING. Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

The purpose of the RCNYS is to regulate the construction of a dwelling unit, whether arranged singly or grouped as a two-family dwelling or townhouse. The RCNYS provides the minimum requirements to safeguard public safety, health, and general welfare. By definition, any dwelling so constructed can be rented or leased or permanently occupied provided it remains for the use of a single family. Absent the definition of family in the RCNYS, such is defined in Webster's dictionary as "a group of individuals living under one roof and usually under one head." In accordance with the above, a one-family dwelling as defined in the RCNYS may be leased or rented to one or more individuals who function as a family unit, regardless of the duration of the tenancy.

A lease to one group of individuals has a degree of permanency, in that the group occupies the entire building. However, the rental of rooms to individuals who are not part of a single group is deemed transient, since each room is occupied similar to those in a hotel or motel.

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