Effective Date: January 1, 2003

Source Document: 19 NYCRR 1226 - Property Maintenance Code of New York State

Topic: WINDOW IN EXISTING HABITABLE SPACE

Question: Does PMC section 402.1 require a new window to be installed in an existing dwelling to meet the 8% of floor area requirement?

Answer: No. If a habitable space has a window which faces directly to the outdoors or a court, it may remain as is. PMC section 401.3 entitled “Alternative devices” provides that in lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the Building Code of New York State shall be permitted.

If the habitable space does not have a window or adequate natural light, it shall not be used for habitable space. To use the space as habitable, the installation of a window meeting the new construction requirements or artificial light and ventilation complying with the BCNYS is required. Additionally, PMC section 702.4 requires emergency escape openings be maintained in accordance with the code in effect at the time of construction.