

## OCCUPANCY GROUPS SPECIFIED IN INTRO 1253-C ARE HIGHLIGHTED IN YELLOW

### Chapter 3 Use and Occupancy Classification

#### 302.1 General

Structures or portions of structures shall be classified with respect to occupancy in one or more of the groups listed below. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied. Structures with multiple occupancies or uses shall comply with [Section 508](#). Where a structure, or portion thereof, is proposed for a purpose which is not specifically provided for in this code, such structure, or portion thereof, shall be classified in the group which the occupancy most nearly resembles, according to the fire safety and relative hazard involved, and as approved by the commissioner.

1. Assembly (see [Section 303](#)): Groups A-1, A-2, A-3, A-4 and A-5.
2. Business (see [Section 304](#)): [Group B](#).
3. Educational (see [Section 305](#)): [Group E](#).
4. Factory and Industrial (see [Section 306](#)): Groups [F-1](#) and [F-2](#).
5. High Hazard (see [Section 307](#)): Groups [H-1](#), [H-2](#), [H-3](#), [H-4](#) and [H-5](#).
6. Institutional (see [Section 308](#)): Groups [I-1](#), [I-2](#), [I-3](#) and [I-4](#).
7. Mercantile (see [Section 309](#)): [Group M](#).
8. Residential (see [Section 310](#)): Groups R-1, R-2 and R-3.
9. Storage (see [Section 311](#)): Groups [S-1](#) and [S-2](#).
10. Utility and Miscellaneous (see [Section 312](#)): [Group U](#).

For a listing of occupancy group classifications that corresponds with uses listed in the [New York City Zoning Resolution](#), refer to department rules.

#### Section 303 Assembly Group A

##### 303.1 Assembly Group A

Assembly [Group A](#) occupancy includes, among others, the use of a building or structure or a portion thereof, excluding a [dwelling unit](#), for the gathering of any number of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption, awaiting transportation, or similar group activities; or when occupied by 75 persons or more for educational or instructional purposes.

**Exceptions:**

1. A building or nonaccessory tenant space used for assembly purposes with an occupant load of fewer than 75 persons shall be classified as a **Group B** occupancy, except that the number of plumbing fixtures for such a building or space is permitted to be calculated in accordance with the requirements for assembly occupancies.
2. A room or space used for assembly purposes with an occupant load of fewer than 75 persons and accessory to another occupancy shall be classified as a **Group B** occupancy or as part of that occupancy, except that the number of plumbing fixtures for such a room or space is permitted to be calculated in accordance with the requirements for assembly occupancies.

Assembly occupancies shall include the following:

**A-1** Assembly uses, usually with fixed seating, intended for the production and viewing of the performing arts or motion pictures including, but not limited to:

Motion picture theaters

Symphony and concert halls

Television and radio studios admitting an audience

Theaters

**A-2** Assembly uses intended for food and/or drink consumption including, but not limited to:

Banquet halls

Cabarets

Cafeterias, except as provided for in A-3

Dance halls Night clubs Restaurants Taverns and bars

**A-3** Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in **Group A** including, but not limited to:

Amusement arcades

Art galleries

Bowling alleys

Cafeterias for children up to and including the 12th grade

Classrooms and instructional rooms with 75 persons or more; such rooms with fewer than 75 persons shall be classified as **Group B** or E

Community halls

Courtrooms

**Custodial care facilities** with 75 or more persons, providing care to persons over the age of 2, where no more than four occupants are incapable of responding to an emergency situation without physical assistance from staff

Dance studio or instruction (not including food or drink consumption)

Exhibition halls

Funeral parlors

Gymnasiums (without spectator seating)

Religious houses of worship

Indoor **swimming pools** (without spectator seating)

Indoor tennis courts (without spectator seating)

Lecture halls

Museums

Waiting areas in transportation terminals

Pool and billiard parlors

School auditoriums

**A-4** Assembly uses intended for viewing of indoor sporting events and activities with spectator seating including, but not limited to:

Arenas

Skating rinks

**Swimming pools**

Tennis courts

**A-5** Assembly uses intended for participation in or viewing outdoor activities including, but not limited to:

Amusement park structures

Bleachers

Grandstands

Stadiums

### **303.2 Certificate of Operation**

A Certificate of Operation shall be required, as per Section 28-117.1, for the following places of assembly:

1. Indoor places of assembly used or intended for use by 75 persons or more, including open spaces at 20 feet (6096 mm) or more above or below grade, such as roofs or roof terraces.
2. Outdoor places of assembly used and intended for use by 200 persons or more.

### **Section 304 Business Group B**

#### **304.1 Business Group B**

Business **Group B** occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional, service-type transactions, or for conducting public or civic **services**, including the incidental storage of records and accounts and the incidental storage of limited quantities of stocks of goods for office use or purposes. Business **Group B** occupancies shall include, but not be limited to, the following:

Airport traffic control towers

Ambulatory health care facilities

\*Animal hospitals, kennels, pounds, veterinary clinics and pet shops

Banks

Barber and beauty shops

Civic administration offices

Clinic–outpatient, including group medical centers, and neighborhood **family** care centers

**Custodial care facilities** with fewer than 75 persons, providing care to persons over the age of 2, where no more than four occupants are incapable of responding to an emergency situation without physical assistance from staff

Dry cleaning and laundries; pick-up and delivery stations and self-service

Educational occupancies for students above the 12th grade, where not classified in **Group A**. Such occupancy may be used occasionally for educational purposes offered to children through the 12th grade

Electronic data processing

Laboratories; nonproduction testing and research, as per [Section 424](#)

Libraries when not classified in [Group E](#)

Motor vehicle showrooms

Offices

Post offices

Photocopying and printing shops using electronic printing equipment

Professional [services](#) (architects, attorneys, dentists, physicians, engineers, etc.)

Radio and television stations not admitting an audience

Telephone exchanges

Training and skill development not within a school or academic program

*\*Section 304.1 was amended by [Local Law 78 of 2015](#). This law has an effective date of December 31, 2015.*

### **304.1.1 Definitions**

The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

**CLINIC, OUTPATIENT.** Buildings or portions thereof used to provide medical care on less than a 24-hour basis to individuals who are not rendered incapable of self-preservation by the [services](#) provided.

## **Section 305 Educational Group E**

### **305.1 Educational Group E**

Educational [Group E](#) occupancy includes, among others, the use of a building or structure, or a portion thereof, by five or more persons at any one time for educational purposes offered to children through the 12th grade and where no more than two children are under the age of 2, including but not limited to the following:

Academies

Day care [facilities](#) where no more than two children are under the age of 2

Libraries accessory to [Group E](#) occupancies

Schools

**Exceptions:**

1. Classrooms and instructional rooms with 75 or more persons shall be classified as [Group A-3](#).
2. Day care [services](#) provided within a [dwelling unit](#) as described in [Section 310](#).
3. [Custodial care facilities](#) with up to 30 children under the age of 2 are permitted to be classified as [Group E](#) when the rooms where such children are cared for are located on the level of exit discharge and each of these child care rooms has an exit door directly to the exterior.

**305.2 Reserved**

**Section 306 Factory Group F**

**306.1 Factory Industrial Group F**

Factory Industrial [Group F](#) occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair, cleaning, laundering or processing operations that are not classified as a [Group H](#) hazardous occupancy. Factory Industrial [Group F](#) occupancy also includes certain mechanical and/or electrical equipment rooms in accordance with [Section 306.3](#).

**306.2 Factory Industrial F-1 Moderate-Hazard Occupancy**

Factory industrial uses which are not classified as Factory Industrial [F-2](#) Low Hazard shall be classified as [F-1](#) Moderate Hazard and shall include, but not be limited to, the following:

Aircraft (manufacturing, not to include repair)

Aircraft repairs

Automobiles and other motor vehicles, manufacturing

Automobiles and other motor vehicles, repairs

Bakeries

Beverages; over 16 percent alcohol content

Boats

Boat repairs

Brooms or brushes

Canvas or similar fabric

Carpets and rugs

Carpets and rugs, cleaning, using or storing solvents having a [flash point](#) between 100°F (38°C) and 138.2°F (59°C) (Tag closed cup)

Clothing

Disinfectants

Dry cleaning and dyeing using or storing solvents having a [flash point](#) between 100°F (38°C) and 138.2°F (59°C) (Tag closed cup)

Electric generation plants

Engines (including rebuilding)

Food processing, except meat slaughtering or preparation of fish for packing

Furniture

Hemp products

Jute products

Laboratories; for production (moderate-hazard), that may involve the synthesis or storage of materials that constitute a physical or [health hazard](#) in quantities below those found in Tables [307.1\(1\)](#) and [307.1\(2\)](#)

Leather products

Metals; finishing, plating, grinding, sharpening, polishing, cleaning, rustproofing, heat treatment or similar processes

Millwork (sash and door)

Motion pictures filming (without spectators)

Musical instruments

Optical goods

Paper mills or products

Photographic film

Plastic products



Printing or publishing

Recreational vehicles

Refuse incineration

Shoes

Soaps and detergents

Textiles

Tobacco

Trailers

Upholstering

Wood; distillation

Woodworking (cabinet) using no more than 2 quarts (1.9 L) per day or storing no more than 20 gallons (75.7 L) of paint, varnish, lacquer or shellac

### **306.3 Factory Industrial F-2 Low-Hazard Occupancy**

Factory industrial uses that involve the cleaning, laundering, fabrication or manufacturing of noncombustible materials which during finishing, packing or processing do not involve a significant fire hazard shall be classified as **F-2** occupancies and shall include, but not be limited to, the following:

Appliances

Athletic equipment

Automobile laundries

Automobile wrecking establishments

Beverages; up to and including 16 percent alcohol content; bottling works

Beverages; nonalcoholic

Bicycles

Brick and masonry

Business machines

Cameras and photo equipment

Carpets and rugs, cleaning, using or storing solvents having a [flash point](#) above 138.2°F (59°C)  
(Tag closed cup)

Ceramic products

Construction and agricultural machinery

Dry cleaning and dyeing using or storing solvents having a [flash point](#) above 138.2°F (59°C)  
(Tag closed cup)

Electronics

Food processing; meat slaughtering or preparation of fish for packing

Foundries

Glass products

Gypsum

Ice

Laboratories; for production (low-hazard), that may involve the synthesis or storage of materials that constitute a physical or [health hazard](#) in quantities below those found in [Tables 307.1\(1\)](#) and [307.1\(2\)](#)

Laundries

Machinery

Mechanical and/or electrical equipment rooms that are neither identified as incidental uses in [Table 509](#) nor classified as the occupancy within which they are located per [Section 508.1](#)

Metal products (fabrication and assembly), not including flammable metals and alloys listed in [Section 307](#)

Plastic products; nonflammable

Printing; incidental to primary use, area not exceeding 2,000 square feet (185.8 m<sup>2</sup>)

Television filming (without spectators)

### **306.4 Location Restrictions**

Locations of spaces classified in Factory [Group F](#) may be restricted within a building containing a [Group R](#) occupancy pursuant to [Section 510.8](#).

### **Section 307 High-Hazard Group H**

### 307.1 High-Hazard Group H

High-Hazard [Group H](#) occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or [health hazard](#) in quantities in excess of those allowed in [control areas](#) complying with [Section 414](#), based on the maximum allowable quantity limits for [control areas](#) set forth in Tables 307.1(1) and 307.1(2). Hazardous occupancies are classified in Groups [H-1](#), [H-2](#), [H-3](#), [H-4](#) and [H-5](#) and shall be in accordance with this section, the requirements of [Section 415](#) and the *New York City Fire Code*.

**Exceptions:** The following shall not be classified as [Group H](#), but shall be classified as the occupancy that they most nearly resemble.

1. Buildings and structures occupied for the application of flammable finishes, provided that such buildings or areas conform to the requirements of [Section 416](#) and the *New York City Fire Code*.
2. Wholesale and retail sales and storage of flammable and [combustible liquids](#) in mercantile occupancies conforming to the *New York City Fire Code*.
3. Closed piping system containing flammable or [combustible liquids](#) or gases utilized for the operation of machinery or equipment.
4. Cleaning establishments that utilize [combustible liquid](#) solvents having a [flash point](#) of 140°F (60°C) or higher in [closed systems](#) employing equipment listed by an approved testing agency, provided that this occupancy is separated from all other areas of the building by 1-hour [fire barriers](#) constructed in accordance with [Section 707](#) or 1-hour [horizontal assemblies](#) constructed in accordance with [Section 712](#), or both.
5. Cleaning establishments that utilize a [liquid](#) solvent having a [flash point](#) at or above 200°F (93°C).
6. Liquor stores and distributors without bulk storage.
7. Refrigeration systems.
8. The storage or utilization of materials for agricultural purposes on the premises.
9. Stationary batteries utilized for [facility](#) emergency or standby power, uninterrupted power supply or telecommunication [facilities](#), provided that the batteries are provided with safety venting caps and ventilation is provided in accordance with the *New York City Mechanical Code*.

10. Corrosives shall not include personal or household products in their original packaging used in retail display or commonly used building materials.
11. Buildings and structures occupied for [aerosol](#) storage shall be classified as Group [S-1](#), provided that such buildings conform to the requirements of the [New York City Fire Code](#).
12. Display and storage of nonflammable solid and nonflammable or noncombustible [liquid hazardous materials](#) in quantities not exceeding the maximum allowable quantity per [control area](#) in [Group M](#) or [S](#) occupancies complying with [Section 414.2.5](#).
13. The storage of black powder, smokeless propellant and small arms primers in Groups [M](#) and [R-3](#) and special industrial [explosive](#) devices in Groups [B](#), [F](#), [M](#) and [S](#), provided such storage conforms to the quantity limits and requirements prescribed in the [New York City Fire Code](#).
14. Laboratories for nonproduction testing, research, experimental, instructional or educational purposes, in compliance with [Section 424](#).

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307

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### **308.1.1 Definitions**

For definitions of terms related to [Group I](#) occupancy classification, see [Section 310.2](#).

### **308.2 Group I-1**

This occupancy shall include buildings, structures or parts thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment that provides [personal care services](#). The occupants are capable of self-preservation and capable of responding to an emergency situation without physical assistance from staff. Such occupancy shall be subject to the *New York State Multiple Dwelling Law*. This group shall include, but not be limited to, the following:

Adult homes, where occupants are capable of self-preservation (see [Section 308.2.1](#))

Alcohol and drug abuse rehabilitation centers

Assisted living [facilities](#)

Community residences or intermediate-care [facilities](#) (see [Section 308.2.2](#))

Congregate care [facilities](#)

Convalescent [facilities](#)

Enriched housing, where occupants are capable of self-preservation (see [Section 308.2.1](#))

Halfway houses

Overnight [facilities](#) for children where all supervised occupants are under the age of 18, with no more than two children under the age of 2

Residential care [facilities](#)

Social rehabilitation facilities

### **308.2.1 Adult Homes and Enriched Housing**

Adult homes and enriched housing [facilities](#) operated pursuant to and meeting the additional construction requirements of Section 460 of the *New York State Social Services Law* and regulations of the New York State Department of Health offering care on a 24-hour basis to persons capable of self-preservation, in the same building, shall be classified as Group [I-1](#).

**Exception:** Such a [facility](#) offering supervised care on a 24-hour basis for no more than 16 occupants capable of self-preservation, in the same building, may be classified in [Group R](#) in accordance with [Section 310](#).

### **308.2.2 Community Residences or Intermediate-Care Facilities**

Community residences or intermediate-care [facilities](#), operated pursuant to and meeting the additional construction requirements of the *New York State Mental Hygiene Law* and applicable regulations of the New York State Office of Mental Health and Office for People with Developmental Disabilities shall be classified as Group [I-1](#).

**Exceptions:** Such [facilities](#) limited to 14 residents capable of self-preservation and three staff members per [dwelling unit](#) shall be classified as:

1. [Group R-1](#), where such [facility](#) does not occupy more than two [dwelling units](#) in a residential building classified as R-1 of Type I or II construction, or one [dwelling unit](#) in any other type of construction, and occupied on a [transient](#) basis; or
2. [Group R-2](#) where such [facility](#) does not occupy more than two [dwelling units](#) in a residential building classified R-2 of Type I or II construction, or one [dwelling unit](#) in any other type of construction, and occupied on a long-term basis; or
3. [Group R-3](#) where the number of [dwelling units](#) in the building does not exceed two.

### **308.3 Group I-2**

This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or personal care on a 24-hour basis or overnight of more than two children under the age of 2, or more than three persons who are not capable of self-preservation and not capable of responding to an emergency situation without physical assistance from staff. This group shall include, but not be limited to, the following:

Adult homes, where occupants are not capable of self-preservation, operated pursuant to and meeting the additional construction requirements of Section 460 of the *New York State Social Services Law* and regulations of the New York State Department of Health

[Child care facilities](#)

Community residences or intermediate-care [facilities](#), where occupants are not capable of self-

preservation, operated pursuant to and meeting the additional construction requirements of the *New York State Mental Hygiene Law* and applicable regulations of the New York State Office of Mental Health and Office for People with Developmental Disabilities

Enriched Housing, where occupants are not capable of self-preservation, operated pursuant to and meeting the additional construction requirements of Section 460 of the *New York State Social Services Law* and regulations of the New York State Department of Health

Hospitals

Nursing homes

Mental hospitals where patients are not under restraint

Detoxification facilities

**Exception:** Such a [facility](#) offering care on a 24-hour basis for three or fewer persons who are not capable of self-preservation may occupy not more than one [dwelling unit](#) in a [Group R](#) occupancy.

### 308.3.1 Definitions

The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

**CHILD CARE FACILITIES.** [Facilities](#) that provide care on a 24-hour basis to more than five children, under the age of 2.

**DETOXIFICATION FACILITIES.** [Facilities](#) that serve patients who are provided treatment for substance abuse on a 24-hour basis and who are incapable of self-preservation or who are harmful to themselves or others.

**HOSPITALS AND MENTAL HOSPITALS.** Buildings or portions thereof used on a 24-hour basis for the medical, psychiatric, obstetrical or surgical treatment of inpatients who are incapable of self-preservation.

**NURSING HOMES.** [Nursing homes](#) are long-term care [facilities](#) on a 24-hour basis, including both intermediate care [facilities](#) and skilled nursing [facilities](#), serving more than five persons and any of the persons are incapable of self-preservation.

### 308.4 Group I-3

This occupancy shall include buildings and structures that are inhabited by more than five persons who are under restraint or security. An [I-3 facility](#) is occupied by persons who are generally incapable of self-preservation due to security measures not under the occupants' control. This group shall include, but not be limited to, the following:

Correctional centers

Detention centers

Jails

Mental hospitals where patients are under restraint

Prerelease centers

Prisons

Reformatories

Buildings of Group [I-3](#) shall be classified as one of the occupancy conditions indicated in [Section 408.1](#).

### **308.5 Group I-4**

This group shall include [custodial care facilities](#) providing care to more than two children under the age of 2, or to more than four persons over the age of 2 who are not capable of responding to an emergency situation without physical assistance from the staff. Such occupancy shall include, but not be limited to, adult [custodial care facilities](#) and day nurseries.

#### **Exceptions:**

1. [Custodial care facility](#) as described in [Section 303](#).
2. [Custodial care facility](#) as described in [Section 304](#).
3. [Custodial care facility](#) as described in Exception 3 of [Section 305.1](#).
4. Such [facility](#) providing care within a [dwelling unit](#) as described in [Section 310](#).
5. Such [facility](#) providing care to children under the age of 2 in religious houses of worship during religious functions.

### **Section 309 Mercantile Group M**

#### **309.1 Mercantile Group M**

Mercantile [Group M](#) occupancy includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and accessible to the public. Mercantile occupancies shall include, but not be limited to, the following:

Department stores

Drug stores

Markets

Motor fuel-[dispensing facilities](#)



Retail or wholesale stores

Sales rooms

### **309.2 Quantity of Hazardous Materials**

The [aggregate](#) quantity of nonflammable solid and nonflammable or noncombustible [liquid hazardous materials](#) stored or displayed in a single [control area](#) of a [Group M](#) occupancy shall not exceed the quantities in [Table 414.2.5\(1\)](#).

## **Section 310 Residential Group R**

### **310.1 Residential Group R**

Residential [Group R](#) includes, among others, the use of a building or structure, or a portion thereof, for [dwelling](#) or sleeping purposes when not classified as Institutional [Group I](#). Buildings containing three or more [dwelling units](#) shall be subject to the *New York State Multiple Dwelling Law*. Residential occupancies shall be classified as [Group R-1](#), R-2, or R-3.

#### **310.1.1 Group R-1**

This occupancy shall include:

1. Residential buildings or spaces occupied, as a rule, transiently, for a period less than one month, as the more or less temporary abode of individuals or [families](#) who are lodged with or without meals, including, but not limited to, the following:

Class B [multiple dwellings](#) as defined in Section 27-2004 of the *New York City Housing Maintenance Code* and Section 4 of the *New York State Multiple Dwelling Law*, where not classified in [Group I-1](#).

Club houses

Hotels ([transient](#))

Motels ([transient](#))

[Rooming houses](#) (boarding houses—[transient](#))

Settlement houses

Vacation timeshares

2. College or school student dormitories, except for [student apartments](#) classified as an R-2 occupancy.

3. [Congregate living units](#) owned and operated by a government agency or not-for-profit organization, where the number of occupants in the [dwelling unit](#) exceeds the limitations of

a **family** as defined, including, but not limited to, the following:

Adult homes or enriched housing with 16 or fewer occupants requiring supervised care within the same building on a 24-hour basis

Fraternity and sorority houses

Homeless shelters

### **310.1.2 Group R-2**

This occupancy shall include buildings or portions thereof containing **sleeping units** or more than two **dwelling units** that are occupied for permanent resident purposes as defined in subparagraph (a) of paragraph eight of subdivision a of Section 27-2004 of the *New York City Housing Maintenance Code*. Such occupancy shall be subject to the *New York State Multiple Dwelling Law*. This group shall include, but not be limited to, the following:

Adult homes or enriched housing with 16 or fewer occupants requiring supervised care on a 24-hour basis in the same building, provided that the number of occupants per **dwelling unit** does not exceed the definition of a **family**

**Apartment houses**

**Apartment hotels (nontransient)**

Class A **multiple dwellings** as defined in Section 27-2004 of the *New York City Housing Maintenance Code* and Section 4 of the *New York State Multiple Dwelling Law*, where not classified in Group I-1:

1. **Dwelling units** where the resident of the unit provides custodial care to no more than four persons on less than a 24-hour basis and not overnight, where not classified in Group I-1.
2. **Dwelling units** where the resident of the unit provides child custodial care as a **family** day care home registered with the New York City Department of Health and Mental Hygiene in accordance with the *New York State Social Services Law* with no more than six children between the ages of 2 and 13, or with no more than five children if any are under the age of 2, receiving supervised care on less than a 24-hour basis and not overnight, where not classified in Group I-1.

Convents and monasteries with more than 20 occupants in the building

Student apartments

### **310.1.3 Group R-3**

This occupancy shall include buildings or portions thereof containing no more than 2 **dwelling units**, occupied, as a rule, for shelter and sleeping accommodation on a long-term basis for a month or more at a time, and are not classified in **Group R-1, R-2** or I. This group shall include, but not be limited to, the following:

Convents and monasteries with fewer than 20 occupants in the building

## Group homes

One- and two-family dwellings, including the following:

1. **Dwelling units** where the resident of the unit provides custodial care to no more than four persons on less than a 24-hour basis and not overnight.
2. **Dwelling units** where the resident of the unit provides child custodial care as a **family** day care home registered with the New York City Department of Health and Mental Hygiene in accordance with the *New York State Social Services Law* with no more than six children between the ages of 2 and 13, or with no more than five children if any are under the age of 2, receiving supervised care on less than a 24-hour basis and not overnight.

### 310.2 Definitions

The following words and terms shall, for the purposes of this section and as used elsewhere in this code, have the meanings shown herein.

**APARTMENT.** A **dwelling unit** providing permanent provisions for both sanitation and kitchen **facilities**, occupied or arranged to be occupied by not more than one **family** maintaining a common household.

**APARTMENT, STUDENT.** An **apartment** occupied or arranged to be occupied by students enrolled at a single accredited college or university and maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly with such college or university.

**BOARDER (ROOMER, LODGER).** A person who pays a consideration for living within the household and does not occupy such space as an incident of employment.

**CONGREGATE LIVING UNIT.** A **dwelling unit**, comprised of one or more habitable rooms separated by nonrated partitions, occupied or arranged to be occupied by more than one **family** or by persons who are not maintaining a common household. Creation of or conversion to such unit shall be subject to Section 27-2077 of the *New York City Housing Maintenance Code*.

**CUSTODIAL CARE FACILITY.** A building or part thereof occupied by persons, on less than a 24-hour basis and not overnight, who because of age, disability or other reasons, receive **personal care services** by individuals other than parents or guardians, relatives by blood, marriage, domestic partnership, or adoption, in a place other than the home of the person cared for.

**DWELLING.** A building or structure which is occupied in whole or in part as the home, residence or sleeping place of one or more **families**.

**DWELLING, MULTIPLE.** A **dwelling** which is either rented, leased, let or hired out, to be occupied, or is occupied, as the residence or home of three or more **families** living independently of each other. A **multiple dwelling** does not include a building used for occupancies in Groups I-2, I-3 or I-4.

**DWELLING, ONE-FAMILY.** Any building or structure designed and occupied exclusively for

residence purposes on a long-term basis for more than a month at a time by not more than one **family**. One-family dwellings shall also be deemed to include a **dwelling** located in a series of one-family dwellings each of which faces or is accessible to a legal **street** or public thoroughfare, provided that each such **dwelling unit** is equipped as a separate **dwelling unit** with all essential **services**, and also provided that each such unit is arranged so that it may be approved as a legal one-family dwelling.

**DWELLING, TWO-FAMILY.** Any building or structure designed and occupied exclusively for residence purposes on a long-term basis for more than a month at a time by not more than two **families**. Two-family dwellings shall also be deemed to include a **dwelling** located in a series of two-family dwellings each of which faces or is accessible to a legal **street** or public thoroughfare, provided that each such **dwelling** is equipped as a separate **dwelling** with all essential **services**, and also provided that each such **dwelling** is arranged so that it may be approved as a legal two-family dwelling.

**DWELLING UNIT.** A single unit consisting of one or more habitable rooms and occupied or arranged to be occupied as a unit separate from all other units within a **dwelling**.

#### **FAMILY.**

1. A single person occupying a **dwelling unit** and maintaining a common household with not more than two **boarders**, roomers or lodgers; or
2. Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a **dwelling unit** and maintaining a common household with not more than two **boarders**, roomers or lodgers; or
3. Not more than three unrelated persons occupying a **dwelling unit** and maintaining a common household; or
4. Not more than three unrelated persons occupying a **dwelling unit** in a congregate housing or shared living arrangement and maintaining a common household; or
5. Members of a **group home**; or
6. Foster children placed in accordance with provisions of the *New York State Social Services Law*, their foster parent(s), and other persons related to the foster parents by blood, marriage or domestic partnership; where all residents occupy and maintain a common household with not more than two **boarders**, roomers or lodgers; or
7. Up to seven unrelated students enrolled at a single accredited college or university occupying a **student apartment** and maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly with such college or university, provided that:
  1. The entire structure in which the **dwelling unit** is located is fully sprinklered in accordance with **Chapter 9**; and
  2. Such occupancy does not exceed the maximums contained in Section 27-2075(a) of the *New York City Housing Maintenance Code*; and
  3. Prior to commencement of such occupancy, and on an annual basis thereafter such college or university has submitted a fire safety plan containing fire safety and evacuation procedures for such **dwelling unit** that is acceptable to the fire commissioner and in compliance with any rules promulgated by the Fire Commissioner; and
  4. The **dwelling unit** complies with additional occupancy and construction requirements as may be established by rule by the Housing Preservation and Development Commissioner.

A common household is deemed to exist if all household members have access to all parts of the **dwelling unit**. Lack of access to all parts of the **dwelling unit** establishes a rebuttable

presumption that no common household exists.

**GROUP HOME.** A **facility** for the care and maintenance of not fewer than seven nor more than 12 children, supervised by the New York State Board of Social Welfare, and operated pursuant to and meeting any additional construction requirements of Section 374-C of the *New York State Social Services Law* and applicable regulations of the New York State Department of Social **Services**. Such a **facility** occupied by more than 12 children shall be classified as Group **1-1**.

**PERSONAL CARE SERVICE.** The care of residents who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for the safety of the resident while inside the building.

**RESIDENTIAL CARE/ASSISTED LIVING FACILITIES.** A building or part thereof housing persons, on a 24-hour basis, who because of age, mental disability or other reasons, live in a supervised residential environment which provides **personal care services**. The occupants are capable of self-preservation and are capable of responding to an emergency situation without physical assistance from staff. This classification shall include, but not be limited to, the following: residential board and care **facilities**, assisted living **facilities**, halfway houses, congregate care **facilities**, social rehabilitation **facilities**, alcohol and drug abuse rehabilitation centers and convalescent **facilities**.

**ROOMING HOUSE.** A **dwelling** (i) which was originally erected as a single- or two-**family** private **dwelling** pursuant to the *New York City Building Code* in effect prior to December 6, 1968, (ii) which is a "Class B converted **dwelling**" as such term is defined in the *New York City Housing Maintenance Code*, and (iii) which has more than half of its habitable rooms as **sleeping units**. The creation of or conversion to a **rooming house** shall be limited by Section 27-2077 of the *New York City Housing Maintenance Code*.

**SLEEPING UNIT.** A **dwelling unit**, which may contain either toilet or kitchen **facilities** but not both. Any **sleeping unit** housing more than one **family** shall also be classified as a **congregate living unit**. The creation of or conversion to **sleeping units** shall be limited by Section 27-2077 of the *New York City Housing Maintenance Code*.

**TRANSIENT.** Occupancy of a **dwelling unit** or **sleeping unit** for not more than 30 days.

## **Section 311 Storage Group S**

### **311.1 Storage Group S**

Storage **Group S** occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage, such as for warehouses, **storage rooms**, freight depots and distribution centers, when not classified as a hazardous occupancy.

### **311.2 Moderate-Hazard Storage, Group S-1**

Buildings occupied for storing any flammable or combustible materials that are likely to permit the development and production of fire with moderate rapidity including, but not limited to, storage of the following:

[Aerosols](#), Levels 2 and 3

Aircraft hangar (storage and repair)

Bags; cloth, burlap and paper

Bamboos and rattan

Baskets

Belting; canvas and leather

Books and paper in rolls or packs

Boots and shoes

Buttons, including cloth covered, pearl or bone

Cardboard and cardboard boxes

Clothing, woolen wearing apparel

Cordage

Dry boat storage (indoor, not accessory to [Group R](#))

Furniture

Furs

Glues, mucilage, pastes and size

Grains

Horns and combs, other than celluloid

Leather Linoleum Lumber Photo engravings

Resilient flooring Silks

Soaps Sugar Tires, bulk storage of

Tobacco, cigars, cigarettes and snuff

Upholstery and mattresses

Wax candles

### **311.3 Low-Hazard Storage, Group S-2**

Includes, among others, buildings used for the storage of noncombustible materials such as products on wood pallets or in paper cartons with or without single thickness divisions; or in paper wrappings. Such products are permitted to have a negligible amount of plastic trim, such as knobs, handles or film wrapping. Group S-2 storage uses shall include, but not be limited to, storage of the following:

Asbestos

Beverages up to and including 16 percent alcohol in metal, glass or ceramic containers

Cement in bags

Chalk and crayons

Dairy products in nonwaxed coated paper containers

Dry cell batteries

Electrical coils

Electrical motors

Empty cans

Food products

Foods in noncombustible containers

Fresh fruits and vegetables in nonplastic trays or containers

Frozen foods

Glass

Glass bottles, empty or filled with noncombustible liquids

Gypsum board

Inert pigments

Ivory

Meats

Metal cabinets

Metal desks with plastic tops and trim

Metal parts

Metals

Mirrors

Oil-filled and other types of distribution transformers

Parking garages, open or enclosed

Porcelain and pottery

Stoves

Talc and soapstones

Washers and dryers

## **Section 312 Utility and Miscellaneous Group U**

### **312.1 General**

Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. [Group U](#) shall include, but not be limited to, the following:

#### [Carports](#)

Fences more than 6 feet (1829 mm) high

[Private garages](#) as per [Section 406.1](#)

#### [Retaining walls](#)

Sheds or greenhouses accessory to [Group R-3](#) occupancies, that are freestanding, less than



120 square feet (11.15 m<sup>2</sup>) in area, not permanently affixed to the ground, and used for household goods or items associated with the garden or lawn. Any other shed shall be classified as either S-1 or S-2. Tanks Towers