

Window Guards: What Building Owners Need to Know

In all buildings with three or more apartments, New York City (NYC) law requires that building owners install window guards if a child age 10 years or younger lives there, or if the tenant or occupant requests window guards for any reason. Building owners who do not comply with this law (NYC Administrative Code §27-2043.1) may receive a violation subject to fines.

Building owners must:

- **Send the *Annual Notice* to tenants, asking if children age 10 or younger live in the apartment, or if window guards are requested for any reason, regardless of whether there are children in the apartment.** This notice must be sent in January of each year. With each new lease, building owners must also provide a *Lease Notice to Tenant or Occupant* to determine if children live in the apartment. (NYC Administrative Code §17-123)
- **Install and maintain NYC Health Department-approved window guards or limiting devices in apartments where these children reside or whenever the tenant requests guards.** Owners must also install guards or limiting devices in public hallways and any other common areas in buildings where children age 10 or younger reside.

All windows of all types — including those with screens — must have window guards or limiting devices, except (1) windows leading to fire escapes or those designated for other emergency escapes, (2) secondary exit windows in first-floor apartments and (3) windows in which air conditioner (AC) units are permanently installed (see next page for details).

- *Double-hung windows:* Window guards must be made of rigid metal and be a minimum of 15 inches tall with three or more horizontal bars. Space between the horizontal bars should be no more than 4 1/2 inches wide. Each window guard must have a Health Department approval number imprinted on a stile (vertical bar) of the window guard.
- *Nondouble-hung windows (such as sliding casement, slider, tilt and turn, awning, project-out, hopper):* Health Department-approved limiting devices, with an imprinted approval number, must be installed in pairs to prevent the window from opening more than 4 1/2 inches in any direction.

Condominiums, Co-op Buildings and Private Homes

- Condominium owners should check with building management to determine who needs to install and repair window guards in their apartments. Hallways in condominium buildings are the management's responsibility.
- In co-op buildings, building management needs to install and maintain all window guards and limiting devices.
- Private homes are not legally required to have window guards, but installation is recommended anywhere there are young children.

Continued on next page

Window Guard Installation

- Make sure that window frames are sturdy and well-maintained.
- Use only tamper-resistant and one-way screws to secure window guards and limiting devices. These screws cannot be removed with an ordinary slotted-head or Phillips-head screwdriver.
- Use window stops, in addition to window guards, on double-hung windows that leave more than 4 1/2 inches of space when windows are opened. The L-shaped stops must be installed in the tracks on both sides of the window using tamper-proof screws. These stops will prevent the window from opening more than 4 1/2 inches.

Air Conditioner (AC) Unit Installation

If an AC unit is in a window in an apartment where a child age 10 or younger lives, it must be permanently and safely installed:

- Use tamper-resistant, one-way screws.
- Bolt the AC securely into the window frame without leaving any open space greater than 4 1/2 inches.

- Use secure rigid metal panels on either side of the AC instead of, or in addition to, the accordion vinyl panels that often come with an AC, if the spaces are greater than 4 1/2 inches. These metal panels must be able to withstand 150 pounds of pressure without bending or breaking.
- In double-hung windows, use two metal L-shaped stops in the window frame (one on each side of the bottom sash) to prevent the window from opening more than 4 1/2 inches above the AC.

Window Guard Costs

Building owners are responsible for purchasing all window guards in common areas. For apartment units, building owners can charge a one-time fee per window guard but cannot charge for window guards previously installed in the apartment.

- Window guard charges cannot be part of the base rent.
- These charges also cannot exceed \$10 per window guard for rent-controlled/rent-stabilized units.

For more information about window guard costs, please visit New York State Homes and Community Renewal (HCR) at hcr.ny.gov or email rentinfo@nyshcr.org.

For more information, visit nyc.gov/health and search for **window guards**, or email windowfallprevention@health.nyc.gov.