

## BASEMENT APARTMENT REGULATION CHECKLIST FOR EXISTING ONE-FAMILY DWELLINGS

District & Type:  Find your zone: <http://maps.nyc.gov/doitt/nycitymap/template?applicationName=ZOLA>

		CODE REF.	DIFFICULTY OF COMPLIANCE
<b>ZONING</b>			
(i)	The zoning district must permit the addition of a new housing unit on the lot	ZR 21-00	Requirement of the Zoning Resolution
(ii)	Currently a single family home	2014 NYS MDW Law § 4(7)	Adding a dwelling unit to an existing two-family home invokes the highly prohibitive Multiple Dwelling Law.
(iii)	Basement height must be at least 50% above curb level (i.e. not qualify as a cellar)	NYC HMC 27-2087c; NYS MDL § 4 (7); ZR 15-111 and 15-112(2)	Cellar dwellings are expressly prohibited by HMC and MDL. The Zoning Resolution obliquely allows for a portion of a dwelling unit to occupy the cellar provided that the unit has more than 3.5 rooms or at least 1,200 sf. A cellar conversion, however, would add to FAR potentially exceeding the zoned maximum residential FAR allowed.
(iv)	Basement cannot fall below the design flood elevation in A- or V-flood zones	2014 NYC BC G106; ZR 64-431	Enclosed areas below the design flood elevation within A-zones (including coastal A) and V-zones cannot be occupied.
<b>PHYSICAL SPACE &amp; INTERIOR CONDITIONS</b>			
<b>Dimensions</b>			
	Minimum room height from finished floor to ceiling or underside of beams:	2014 NYC BC 1208.2	If modifications to the structure (slab, beams, or foundation) or relocation of services are necessary to achieve the required clear height, the work may be invasive and cost prohibitive. Small changes to floor or ceiling finishes may yield small gains in height.
(i)	Habitable room height = 8'-0" min, except that beams or girders spaced not less than 4 ft o.c. may project a maximum of 6 in below the required ceiling height.		
(ii)	Occupiable rooms and corridor height = 7'-6" min, except that beams or girders spaced not less than 4 ft o.c. may project a maximum of 6 in below the required ceiling height.		
(iii)	Kitchens and bathroom height = 7'-0" min.		
(iv)	Net floor area of one habitable basement room must be 150 sf min.	2014 NYC BC 1208.3.2	Cost of adding or changing partition (non-loadbearing) walls is low. Accompanying electrical work required.
(v)	Net floor area of other habitable basement rooms must be 80 sf min.	2014 NYC BC 1208.3.1	See (iv)
(vi)	If a room complies with glazing requirements for light and ventilation and has an unobstructed opening of at least 60 sf into an immediately adjoining room, shall have not less than 70 sf of net floor area and a minimum width of 7 ft.	2014 NYC BC 1208.1.1, 2014 NYC BC 1208.3.1.1, NYC HMC 27-2074a (2)	See (iv)
(vii)	Clear width of habitable room is 8 ft min.	2014 NYC BC 1208.1	See (iv)
<b>Lighting, ventilation &amp; acoustics</b>			
(viii)	Each habitable basement room must have a window for lighting and ventilation open to a yard or open space on the same lot as the dwelling.	NYC HMC 27-2087c (2)	See lighting and ventilation requirements below.
(ix)	Minimum glazing area = the larger of 12 sf or 10% of the floor area	2014 NYC BC 1205.2.1, NYC HMC 27-2062b (1)	It is possible to add or enlarge windows, though it may be costly if structural modifications are necessary. Penetration area may be limited by fire separation requirements.

PHYSICAL SPACE & INTERIOR CONDITIONS (CONT.)					
(x)	Minimum operable glazing = the larger of 5.4 sf or 4.5% of the floor area (45% glazed area); else 25% of the glazed area if 40 cfm of mechanical ventilation provided.	2014 NYC BC 1203.4.1, NYC HMC 27-2062			If sufficient glazing area is available, operable windows can be substituted for existing windows.
(xi)	Grade elevation cannot be less than 6 in below the finished sill.	2014 NYC BC 1205.2.3.1, NYC HMC 27-2087.c.3			Glazing contributing to the lighting and ventilation requirement must be located at least 6-in above grade. Altering the grade of the lawn is possible, but may be cost prohibitive.
(xii)	Where openings below grade provide required natural ventilation, the outside horizontal clear space measured perpendicular to the opening shall be 1.5 times the depth of the opening. The depth of the opening shall be measured from the average adjoining ground level to the bottom of the opening.	2014 NYC BC 1203.4.1.1.3			
(xiii)	Distance of far wall to window = 30 ft max.	2014 NYC BC 1205.2.4			
(xiv)	Open space adjacent to required windows (either yard or court) must be 6 ft min.	2014 NYC BC 1203.4.3, 1206			
(xv)	Artificial light shall be adequate to provide an average illumination of 10 foot-candles over the area of the room at a height of 30 inches above the floor level.	2014 NYC BC 1205.3.2			
(xvi)	Stairways within dwelling units and exterior stairways serving a dwelling unit shall have an illumination level on tread runs of not less than 1 footcandle.	2015 NYC BC 1205.3.3			
(xvii)	Rooms that do not comply with lighting-and ventilation, but comply with room size requirements:	NYC HMC 27-2062c (1)			
	One- or two-family home built <i>after</i> 1/1/1938: non-complying room must have a single-unbroken opening of at least 60 sf into an immediately adjoining room. The adjoining room shall have at least one window opening to the outer air and that window shall be at least 1/10 the combined floor area of the rooms.				
	One- or two-family home built <i>before</i> 1/1/1938: non-complying room must have an immediately adjoining room containing a window of at least 32.5 sf.				
(xviii)	Air-borne sound transmission between dwelling units and from boiler rooms shall have a sound-transmission class (STC) value of at least 50.	2014 NYC BC 1207.2			
(xix)	Structure-borne sound transmission between dwelling units and from boiler rooms shall have an impact insulation class (IIC) value of at least 50.	2014 NYC BC 1207.3			
<b>Utilities &amp; amenities</b>					
(xx)	Kitchen or kitchenette must be provided for cooking	NYC HMC 27-2073			Cost of appliances, electrical and plumbing work.
(xxi)	Every kitchenette constructed on or after July 14, 1967 shall be provided with a window opening upon a street, yard, or court. Such window shall be at least 1 ft wide, have an area of at least 3 sf and be at least 10% of the kitchen(ette) floor area.	NYC HMC 27-2073			
(xxii)	Kitchen(ettes) shall have a clear passageway of not less than 3 ft.	2014 NYC BC 1208.1			
(xxiii)	At least one washroom, bath, or water closet and one washbasin must be provided	NYC HMC 27-2078			Cost of fixtures, electrical and plumbing work.

FIRE PROTECTION				
(i)	Number of basement dwelling occupants (one-family) is 10 max.	2014 NYC BC 1021.2		
(ii)	At least one exit door directly to the exterior of the building with a minimum clear width of 32 in and a clear height of 80 in.	2014 NYC BC 1015.1, 1008.1.1		Egress door must be provided. Excavation and stairs may be required to accommodate the exit door, increasing the cost.
(iii)	Travel distance to exit door 75 ft max.	2014 NYC BC 1021.2, 1014.3		
(iv)	Egress corridor width of 30 in min.	2013 NYC BC 1018.2.4		
(v)	Exit discharge clear width 36 in min.	2014 NYC BC 1027.1		
(vi)	Egress court width shall be 36 in min and shall have an unobstructed height of 7'-6".	2014 NYC BC 1027.5.1		
(vii)	Combustible exit discharge structures (stairs, ramps, etc.) must be at least 10 ft from lot line or other buildings.	2014 NYC BC 1027.3		DOB to advise whether existing homes with a valid CO will be grandfathered from required setbacks requirements.
(viii)	Non-combustible exit discharge structures (stairs, ramps, etc.) may be within 10 ft from lot line or other buildings if originating at the street wall and terminating at the street.	2014 NYC BC 1027.3		DOB to advise whether existing homes with a valid CO will be grandfathered from required setbacks requirements.
(ix)	The basement dwelling unit must sprinkled when building frontage is on a street with unobstructed width < 34 ft. (The existing structure is not required to be sprinkled)	2014 NYC FC 501.4.3.1.5.1		Installation of fire suppression system required. Cost varies, but can be prohibitive. For example, if sprinkler water can be pulled from the domestic water line, fire protection is much more affordable; a new service line can cost approx. \$10,000. Similarly, stand-alone tanks can also be expensive.
(x)	Separation between tenants must have 1-hour fire rating (walls and floor/ceiling assemblies)	2014 NYC BC 510.10		
(xi)	Direct and unobstructed access to a public way shall be provided, unless A safe dispersal area is provided and maintained on the same lot at least 50 ft away from the required building egress allowing at least 5 sf per person.	2014 NYC BC 1027.6		
(xii)	All sleeping rooms must provide at least one emergency escape and rescue (EER) opening that opens directly onto a public way or to a yard or courtyard with direct access to a public way.	2014 NYC BC 1029.1		It is possible to add or enlarge windows, though it may be cost prohibitive if structural modifications must be made to accommodate the increased exterior wall penetrations. If the basement complies with lighting and ventilation requirements, it likely complies with the EER requirements.
(xiii)	Min clear area of EER opening 6 sf min.	2014 NYC BC 1029.2, 1029.3		See (xii)
(xiv)	Clear height = 30 in and clear width = 24 in	2014 NYC BC 1029.2, 1029.3		See (xii)
(xv)	Height from top of finish floor to top of sill = 36 in max.	2014 NYC BC 1029.2, 1029.3		See (xii)
(xvi)	EER windows with a finished sill height below the adjacent ground level shall provide a window well with a horizontal size of 9 sf and a minimum dimension of 36 in.	2014 NYC BC 1029.5		
(xvii)	For window wells with a vertical depth of more than 44 in, the well shall be equipped with a permanent ladder or steps.	2014 NYC BC 1029.5.2		
(xviii)	Smoke detectors and carbon monoxide detectors must be installed within 15 ft of the primary entrance to each sleeping room.	2014 NYC BC 907.2.8.3, 2014 NYC BC 908.7.1.1.1		

PARKING				
(i)	Your home is in R4A. Parking is conditional on questions (ii), (iii), and (iv).	ZR 25-21, 25-26, 25-27		Sufficient room on-site must exist to accommodate an additional car excluding common easement driveways.
(ii)	Is the block "predominantly built up"? (R4 only)	ZR 12-10		
(iii)	Do one- and two-family homes make up 75% or more of the block frontage on both sides of the street? (R4 only)	ZR 12-11		
(iv)	Was the house built before 2010 and on a lot 5000 sf or less? (R4 and R5 only)	ZR 25-211(b)		
	If in an R4 district and answered yes to (ii), no to (iii), and yes to (iv), then no additional parking is required; otherwise 100% of dwellings require a parking space.	ZR 25-211(b)		
	If in an R5 district and answered yes to (iv), then no additional parking is required; otherwise 100% of dwellings require a parking space.	ZR 25-211(b)		
(v)	If your home falls within a Quality Housing contextual district, the on-site accessory off-street parking shall not be permitted between the street line and the street wall. However, on through lots measuring less than 180 feet in depth from street to street, off-street parking may be located between the street line and any street wall located beyond 50 feet of such street line.	ZR 28-50		Sufficient room on-site must exist to accommodate an additional car.

**COMPLIANCE KEY**

- Compliance unachievable due to insurmountable regulatory barrier or high cost.
- Compliance may be possible, but could incur significant cost.
- Compliance relatively uncomplicated due to optional applicability, high probability that the existing structure complies, or low cost.

Note: If the building does not have an existing valid Certificate of Occupancy (CO), additional regulations may apply.