
Chapter I
State Sanitary Code

Subpart 7-1

Temporary Residences
(Hotels, Motels, and Cabin Colonies)
(Statutory Authority: Public Health Law, § 225)

Effective December 23, 2009

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GENERAL PROVISIONS

7-1.1 Definitions.

- (a) Adequate shall mean sufficient to accomplish the purpose for which something is intended, and to such a degree that no unreasonable risk to health or safety is presented. An item installed, maintained, designed and assembled, an activity conducted, or act performed, in accordance with generally accepted standards, principles or practices applicable to a particular trade, business, occupation or profession, is adequate within the meaning of the Subpart.
- (b) Camping unit shall mean a tent, camping cabin, recreational vehicle or other type of portable shelter intended, designed or used for temporary human occupancy.
- (c) Occupancy unit shall mean a room or group of rooms forming a single habitable unit intended to be used for overnight occupancy.
- (d) Permit-issuing official (PIO) shall mean the State Commissioner of Health, the health commissioner or health officer of a city of 50,000 population or over, the health commissioner or health officer of a county or part-county health district, the State regional health director or district director having jurisdiction, or any county or public health director having all the powers and duties prescribed in section 352 of the Public Health Law.
- (e) Person shall mean an individual, group of individuals, partnership, firm, corporation, association, political subdivision, government agency, municipality, estate or any other legal entity.
- (f) Potable water shall mean water provided or used for human consumption, food preparation, or for lavatory, culinary, bathing or laundry purposes.
- (g) Public health hazard shall mean any existing or imminent condition, which can be responsible for or cause illness, physical injury or death.
- (h) Refuse shall mean all putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator residue, street cleanup, dead animals, offal and solid commercial waste.
- (i) Sewage shall mean excreta and the waste from a flush toilet, bath, sink, lavatory, dish washing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.
- (j) Temporary residence shall mean a tract or tracts of land and any hotel, motel, cabin colony, building, camping unit or other structures including worker housing that may be pertinent to its use, maintained primarily for overnight occupancy by persons who are provided at least some part or portion of the use of the facilities.
- (k) Uniform Code shall mean the 19 NYCRR Chapter XXXIII, Subchapter A – State Uniform Fire Prevention and Building Code.

7-1.2 Application.

- (a) The requirements of this Subpart shall apply to a temporary residence occupied by or maintained for occupancy by 11 people or more, except:
- (1) temporary residences or portions of any such establishment which are occupied by the same persons in excess of 180 consecutive days in a calendar year as their domicile, while those portions of the temporary residence are so occupied. This exclusion of portions of a temporary residence occupied by the same persons in excess of 180 consecutive days shall not apply to worker housing.
 - (2) a hotel or motel located in a city with a population of 125,000 or more for which all water is derived from a public water supply system and from which all sewage is discharged to a public sewer system;
 - (3) a temporary residence consisting of a single occupancy unit rented in its entirety for common use by a group, provided it is not part or otherwise affiliated with a temporary residence as described in Section 7-1.1(j);
 - (4) a temporary residence or portion thereof, occupied by the owner or operator thereof, or his family;
 - (5) a temporary residence occupied for less than 60 cumulative hours in any calendar year;
 - (6) a temporary residence used as a jail, hospital, nursing or convalescent home, or otherwise offering residential or custodial care to individuals who are physically or mentally unable to completely care for themselves;
 - (7) a temporary residence used as a school or college dormitory, or a fraternity or sorority house that is affiliated with an academic institution approved under the Education Law;
 - (8) a temporary residence operated as a domestic violence shelter, homeless shelter or hospice residence;
 - (9) a temporary residence which the Commissioner, based upon consideration of the nature, duration and continuity of its occupancy, the degree of occupant control over the use and nature of the property's facilities, the purpose of the property's occupancy and the extent to which the property may be subject to the regulation of other agencies, reasonably determines not to be within the intent of regulation under this Subpart.
- (b) The requirements of this Subpart shall not apply to a children's camp, campground, mass gathering, migrant farmworker housing or a mobile home park as defined in Subparts 7-2, 7-3, 7-4 and Parts 15 and 17 of this Title respectively.

7-1.3 Permits to operate a temporary residence required; application, issuance, revocation, posting, inspection, access.

- (a) No person shall operate a temporary residence or cause or allow the same to be operated, without a permit from the permit-issuing official.
- (b) Application for a permit shall be made on a form specified by the Department, by the operator to the permit-issuing official at least 60 days before operation or the expiration of an existing permit or a change in name, owner or operator. For new construction, such application shall include a copy of the certificate of occupancy issued by the local code enforcement official.
- (c) The permit-issuing official shall issue a permit if the temporary residence conforms or will conform at the time of operation to the requirements of this Subpart and will not present a danger to the health and safety of the occupants and general public. An applicant's past history of compliance or non-compliance will be a consideration in evaluating the previously mentioned criteria.
- (d) A permit may be denied, revoked or suspended by the permit-issuing official or the State Commissioner of Health if the temporary residence is maintained, operated or occupied in violation of the Public Health Law, this Title or other applicable provisions of the Uniform Code. Before denial, suspension or revocation of a permit, or after receipt of a notice of violation, the operator shall have the right to appeal to the permit-issuing official, except that when a public health hazard exists, a permit may be temporarily suspended pending a hearing. A permit will also be revoked upon request of the operator or upon abandonment of the temporary residence operation. Following the revocation, an application shall be filed for a new permit before resumption of operation.
- (e) A permit for a temporary residence shall be issued for a period of not more than three years from the date of issue. A permit shall not be transferable or assignable and shall expire upon a change of the operator of the temporary residence or upon the date specified by the permit-issuing official.
- (f) The permit-issuing official or representative shall be allowed entry at any time for the purposes of inspection to any property operated as a temporary residence as defined by this Subpart.
- (g) A permit issued for the operation of a temporary residence shall be posted in a conspicuous place on the premises.
- (h) A separate permit shall be required to operate a children's camp. A bathing beach, swimming pool, recreational aquatic spray ground or a food service establishment operated as part of a temporary residence, for which a permit is required under the provisions of this Subpart, shall not require the issuance of a separate permit.
- (i) The permit-issuing official may establish procedures for the exchange of information with other State or local governmental agencies having responsibility for making health or safety inspections of buildings, including temporary residences as defined in this Subpart, and may utilize the information provided

by any such agency in making a determination regarding the issuance, denial or revocation of a permit required by this Subpart.

7-1.4 Enforcement.

(a) Permits and placarding.

- (1) The permit-issuing official may order any facility operating without a permit as required in Section 7-1.3 to close, and remain closed until a valid permit for operation of the facility is obtained.
- (2) The enforcement procedures delineated in the Public Health Law or otherwise provided by law shall be used as appropriate. Where a public health hazard is found, the portion of the temporary residence impacted by the hazard shall be placarded to prohibit use until the hazard is corrected in order to protect the public health and safety of the occupants. When a placard is used, it shall be conspicuously posted at each entrance or walkway leading to the portion of the property where the hazard exists. The placard shall state the authority for its placement and indicate that concealment, mutilation, alteration, or removal of it by any person without permission of the permit-issuing official shall constitute a violation of this Title and the Public Health Law.
- (3) As soon as possible and in any event within 15 days after placarding a facility, the operator shall be provided with an opportunity to be heard and present evidence that continued operation of the facility does not constitute a danger to the public. The hearing shall be conducted by the permit-issuing official or the designated hearing officer.
- (4) The permit-issuing official or designated representative shall inspect the premises within two working days of notification that the hazard has been eliminated. The placards will be removed after the permit-issuing official or his designated representative verifies that the hazard has been eliminated.

(b) Public health hazards.

Any of the following violations are public health hazards which require immediate corrective or remedial action and which require the permit-issuing official or designated representative to order immediate correction or to immediately institute action as provided in the law and in this Subpart:

- (1) the condition of the electric service, wiring or electrical system components is such that an imminent fire or shock hazard exists;
- (2) the potable water system contains contaminants in excess of the maximum contaminant levels prescribed in applicable sections of Part 5 of this Title;
- (3) use of an unapproved water supply source for potable use;
- (4) insufficient quantity of water to meet drinking or sanitary demands;

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- (5) the treatment of the potable water system, when required for disinfection or removal of contaminants, is not continuous;
 - (6) disinfection of the potable water system is inadequate to destroy harmful microorganisms or to maintain a specified chlorine residual;
 - (7) the presence of cross connections or other faults in the water distribution or plumbing systems which result, or may result, in the contamination of the potable water system;
 - (8) inadequately treated sewage discharging on the ground surface in an area accessible to the facility occupants and/or public, or which may result in pollution of a ground or surface water supply or bathing beach;
 - (9) inadequately operated and/or maintained fire alarm and fire suppression systems;
 - (10) failure to provide or maintain required exits;
 - (11) failure to maintain required exits or smoke barrier doors, emergency lights, or exit signs;
 - (12) improper storage of flammable, volatile liquids or hazardous materials;
 - (13) any other condition the permit-issuing official determines to be a public health hazard.

7-1.5 Operator responsibilities and reporting requirements.

- (a) The operator of a temporary residence shall employ or designate an individual who is acceptable to the permit-issuing official to be in charge of the property to maintain the facilities, and who shall be on or available to the property at all times when the property is occupied or open for occupancy, who is capable of providing an adequate response to all matters affecting the life, safety and health of the occupants.
- (b) A telephone number or other method for summoning the individual in charge shall be posted in an area readily accessible to the facility occupants.
- (c) The operator shall report to the permit-issuing official within 24 hours of notification of any of the following occurrences:
 - (1) An injury or illness occurring at a swimming pool, bathing beach or recreational aquatic spray ground as required in Part 6 of this Title;
 - (2) A condition suspected of affecting the quantity or quality of the on-site potable water supply or constituting a public health hazard as specified in Subpart 5-1 of Part 5 of this Title;
 - (3) An illness suspected of being food or water-borne to have resulted from the consumption of food or water at the temporary residence, as required in Subparts 5-1 and 14-1 of Parts 5 and 14 of this Title;

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- (4) An illness related to exposure to carbon monoxide within a temporary residence;
 - (5) All fires which result in a report or a call to a fire or police department.

7-1.6 Variance and waivers.

- (a) Variance. In order to allow time to comply with certain provisions of this Subpart, an operator may submit a written request to the permit-issuing official for a variance from a specific provision(s). The permit-issuing official may grant a variance for a period not to exceed one year when the health and safety of the public will not be prejudiced by the variance and where there are practical difficulties or hardships in immediate compliance with the provision. An operator must meet all terms of an approved variance including the effective date, the time period for which the variance is granted, the requirements being varied and any special conditions the permit-issuing official specifies.
- (b) Waiver. In order to obtain a waiver permitting alternative arrangements that do not meet the provisions of this Subpart but do protect the health and safety of the occupants and the public, an operator may submit a written request to the permit-issuing official for a waiver from a specific provision of this Subpart. Such request must demonstrate to the satisfaction of the permit-issuing official that the alternate arrangements provide adequate protection of the health and safety of the patrons and public. The permit-issuing official may grant or deny a waiver after obtaining and following the recommendation of the State Department of Health, and may set conditions on such waiver. An operator must meet all terms and conditions of an approved waiver. A waiver will remain in effect unless revoked by the permit-issuing official or the facility changes operators.

CONSTRUCTION

7-1.7 Building construction, enlargement, development, improvement or conversion required.

- (a) Notice of construction, modification or conversion required. No person shall modify an existing temporary residence or develop or convert a property for use as a temporary residence without first notifying the permit-issuing official at least 60 days before construction commences. Notices shall be submitted on a form acceptable to the permit-issuing official and shall give the name and location of the property, a brief description of the construction, modification or conversion, and the name, telephone number and mailing address of the person giving notice.
- (b) Requirement for new construction. All new construction including alterations, enlargements and improvements, and change of occupancy shall be in accordance with the Uniform Code. The building permit and certificate of occupancy/certificate of compliance as issued by the code enforcement official and a copy of the plans as approved by the CEO shall be readily available for review by the permit-issuing

official. The permit-issuing official may require the operator to submit, prior to temporary residence permit issuance and/or occupancy of newly constructed or modified facilities, a construction compliance certificate prepared and signed by a professional engineer or registered architect licensed to practice in New York State that shall include a statement that the construction pertaining to fire safety was in accordance with the Uniform Code and the approved plans. A copy of the approved plans shall be readily available for review by the permit-issuing official or designated representative.

OPERATION, SUPERVISION AND MAINTENANCE

7-1.8 Fire Safety Standards.

- (a) Fire alarm systems. Automatic fire alarm systems, when provided, and the related detection equipment shall be operated and maintained as to provide adequate warning to all the occupants in the event of a fire. Documentation shall be available on-site indicating the system is maintained in accordance with applicable sections of the Uniform Code. A copy of such documentation shall be available for review by the permit-issuing official or designated representative at the time of inspection.
- (b) Automatic fire suppression systems. Automatic fire suppression systems, when provided, shall be operated and maintained as to provide detection and suppression functions of fire related events as necessary. Documentation shall be available on-site indicating the system is maintained in accordance with applicable sections of the Uniform Code. A copy of such documentation shall be available for review by the permit-issuing official or designated representative at the time of inspection.
- (c) Portable fire extinguishers. Portable fire extinguishers shall be conspicuously located and readily accessible for use in the event of a fire. Documentation shall be available on-site indicating the extinguishers are located and maintained in accordance with applicable sections of the Uniform Code. A copy of such documentation shall be available for review by the permit-issuing official or designated representative at the time of inspection.
- (d) Exit signs and emergency lighting. Illuminated exit signs and emergency lighting (when required) shall be readily visible and maintained operational at all times, and shall clearly identify a safe continuous path of travel to the exterior of the building.
- (e) Exit maintenance and discharge. All exits and exit pathways shall be maintained free and clear of obstructions at all times and discharge directly to the exterior of the building, in a manner which facilitates safe and prompt egress. Doors located in exit pathways shall be non-lockable against egress, operable with a single motion, and devoid of hooks, bolts, bars or similar restrictive devices.

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- (f) Vertical and horizontal confinement. Existing building construction features, such as doors designed to prevent the spread of fire and smoke throughout the building, shall be maintained as designed at all times.
 - (g) Fire safety and evacuation plans. A copy of the fire safety and evacuation plan submitted to the local code enforcement official shall be available on-site for review by the permit-issuing official or designated representative at the time of inspection. The fire safety and evacuation plans shall be updated as required in accordance with applicable sections of the Uniform Code. The permit-issuing official may require submission of the fire safety and emergency plan.

7-1.9 Water supply.

- (a) The water supply serving all plumbing fixtures, including drinking fountains, lavatories and showers, shall, after treatment, meet the provisions required for a public water system as defined in Subpart 5-1 of the State Sanitary Code. A temporary residence with an on-site water supply that does not meet the definition of a public water system must comply with the standards established in Subpart 5-1 for a non-community water system.
- (b) Annual start-up. The temporary residence operator must ensure that the following actions have been taken at least 15 days prior to the property's occupancy for which the water supply is utilized each year. The following applies to each on-site potable water system that is not subject to continuous water use, and to each temporary residence potable water supply distribution system which receives water from an off-site public water system and is not subject to continuous water use.
 - (1) All water mains shall be disinfected by:
 - (i) completely filling the main to remove all air pockets, flushing the main to remove particulates, and filling the main with potable water. The potable water shall then be chlorinated by feeding liquid hypochlorite at a constant rate such that the water will not have less than a 25 mg/l free chlorine residual throughout the temporary residence water system. After a 24-hour holding period there must be a free chlorine residual of not less than 10 mg/l throughout the temporary residence water system; or
 - (ii) using a disinfection method the State Commissioner of Health has determined in writing to be as protective as the disinfection procedure described in section 7-1.9(b)(1)(i).
 - (2) The water system shall then be flushed and free chlorine residual disinfection concentrations measured at representative points in the distribution system to ensure that no free chlorine is present if a waiver of disinfection has been issued, or that a free chlorine residual of greater than 0.2 mg/l and less than 4.0 mg/l is present in a system with continuous disinfection.
 - (3) Bacteriological samples shall then be collected from each water source at representative points in the distribution system and analyzed at a laboratory

certified by New York State Department of Health.

- (4) The facility operator must report sample results, if positive for Total Coliform or *Escherichia Coli* to the permit-issuing official as soon as possible but no later than 24 hours of being notified by the laboratory. Pre-operational water analysis reports must be submitted to the permit-issuing official prior to permit issuance. All other water analysis reports required to be made by this Subpart or requested or ordered by the permit-issuing official shall be submitted to the permit-issuing official within 10 days of the end of each quarter in which samples were collected.
- (c) Water distribution and treatment. Facilities shall be provided and maintained for the satisfactory treatment and distribution of water. In addition, such facilities shall meet the following requirement:
 - (1) Submission of plans; prior approval. A plan for a new or modified water source, or distribution and treatment facilities shall be submitted to the permit-issuing official at least 60 days prior to construction. No construction of new or modified water distribution and/or treatment facilities shall commence until plans and specifications have been submitted to and approved by the permit-issuing official. Construction shall be in accordance with the approved plans.
- (d) Minimum standards. Potable hot or tempered and cold running water shall be adequate in quantity and quality and shall be readily available to occupants of the temporary residence. Only potable water shall be easily accessible. Any non-potable water supply shall be conspicuously labeled as a non-potable supply. An adequate supply shall mean a minimum of 50 gallons per person per day or more dependant upon amenities provided at the facility, unless otherwise justified in writing by a professional engineer or registered architect licensed to practice in New York State and deemed acceptable by the permit-issuing official.
- (e) Connections prohibited. There shall be no physical connection between the potable water supply and any non-potable water supply. Any fixture, installation or equipment, which is subject to back-siphonage, shall be adequately installed and maintained to protect against contamination of the water system.
- (f) A minimum pressure of 20 pounds per square inch, at peak demand, shall be maintained in all parts of the water distribution system.
- (g) A common drinking utensil shall not be provided for individual consumption of potable water.
- (h) Interruptions, changes in sources or treatments. Any incident or condition, which affects the quantity or quality of the on-site potable water supply, shall be reported to the permit-issuing official within 24 hours of occurrence. There shall be no changes made to the source or method of treatment of a potable water supply, either temporary or permanent, without first receiving approval from the

permit-issuing official. An adequate supply of potable water must be provided and maintained during all times of operation.

7-1.10 Sewage collection and treatment.

- (a) Facilities shall be provided and maintained for the satisfactory treatment and disposal of sewage. In addition, such facilities shall meet the following requirements:
 - (1) Submission of plans. A plan for new or modified sewage treatment facilities shall be submitted to the permit-issuing official at least 60 days prior to beginning construction.
 - (2) Plan approval and construction. Plans for sewage treatment system construction or improvements shall be approved prior to construction by the permit-issuing official and/or New York State of Environmental Conservation. No construction of new or modified sewage treatment facilities shall commence until all required approvals have been obtained. Construction shall be in accordance with the approved plans.
- (b) The presence of inadequately treated sewage on the surface of the ground is prohibited.

7-1.11 Food service

- (a) A plan for new or modified food service facilities shall be submitted to the permit-issuing official at least 60 days prior to beginning construction. All kitchens, dining areas and food service equipment associated with the service of food to the public, including occupants of the temporary residence, shall be approved by the permit-issuing official and constructed, maintained and operated so as to comply with applicable provisions of Part 14 of this Title.
- (b) When food or food utensils are provided within an occupancy unit, the dishes and utensils shall be single service or adequately washed, rinsed and sanitized and shall be handled and stored in a sanitary manner.
- (c) Clean and adequately sanitized drinking glasses or single service cups shall be supplied for use in each individual guest room.
- (d) Food service(s) operated by a vendor other than the temporary residence operator shall require a separate permit to operate in accordance with Part 14 of this Title.

7-1.12 Swimming pools, bathing beaches and recreational aquatic spray grounds.

- (a) A plan for a new or modified aquatic facility shall be submitted to the permit-issuing official at least 60 days prior to beginning construction. A swimming pool, bathing beach, or recreational aquatic spray ground operated as part of a temporary residence for the use of the occupants, guests, invitees or employees shall require the approval of the permit-issuing official, and must be constructed,

maintained and operated so as to comply with the applicable provisions of Part 6 of this Title.

- (b) Aquatic facilities operated by a person other than the temporary residence operator shall require a separate permit to operate in accordance with Part 6 of this Title.

7-1.13 Campsites

Campsites at a temporary residence shall meet the requirements of Subpart 7-3 of this Title.

7-1.14 Electrical safety.

The electrical service, wiring and fixtures shall be in good repair and safe condition. Where conditions indicate a need for inspection, the electrical service and wiring shall be inspected by a qualified electrical inspector, and a copy of the inspection report and certificate of approval submitted to the permit-issuing official.

7-1.15 Housing maintenance.

A temporary residence shall be structurally sound, safe, adequately illuminated and ventilated, clean and adequately maintained, free from health and safety hazards, adequate in size for its use, and have weathertight roof and sides. Adequate toilet and handwashing facilities shall be provided and maintained.

7-1.16 Hazardous materials.

Agricultural, commercial or household pesticides, flammable or volatile liquids and toxic chemicals shall be stored in their original or approved containers, in areas designated for their use. Storage shall be in a manner that prevents air, surface or ground water contamination and is not hazardous to facility occupants and/or the general public. Such storage shall be in compliance with applicable requirements.

7-1.17 Vector and vermin control.

The premises must be free of insect and rodent infestations that may cause a nuisance or hazard.

7-1.18 Linens and bedding

Every guest room shall be provided with an adequate supply of clean towels, sheets and pillowcases that are changed on a regular schedule, not to exceed one week between changes, except at facilities where housekeeping is the responsibility of the occupant.

7-1.19 Refuse storage and disposal.

Adequate facilities shall be provided and maintained for the storage, handling and disposal of refuse, to prevent nuisance conditions, insect and rodent infestation and contamination of air and water.



State of New York
Department of Health