
Re: 608 West 113 St. Entry Stair- Handrail Code Compliance
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TO	Javon T. Ross	FROM	Diana Kokoszka, RA
COMPANY		DATE	April 19, 2024
RE	608 West 113 St. Entry Stair- Handrail Code Compliance	PROJECT NO	N24295.00
CC	Stephanie Nussbaum, AIA	PROJECT NAME	608 West 113th Street New York, NY 10025

Thornton Tomasetti (TT) was retained by Mr. Ross to evaluate the code compliance of the entry stairs at 608 West 113th Street, New York NY (Subject Property). TT's analysis focused on whether the as-built condition of the entry stairs, without a handrail, is compliant with applicable building codes and laws. The 4-story apartment building was built in 1897 according to New York City's Zoning and Land Use Map.¹ The Subject Property is operated by Columbia University as a residential facility.²

A Certificate of Occupancy (CofO) for the Subject Property indicates that it was altered in 1960 and a new CofO was issued. Based on the date of alteration, TT has used the Building Laws of the City of New York 1938 Building Code (1938 Code) in our code analysis. The Department of Buildings Building Information System (BIS) also indicates that the Subject Property is an HPD Multiple Dwelling and is therefore subject to the New York State Multiple Dwelling Law (Multiple Dwelling Law). TT has also analyzed the Subject Property in accordance with the ADA Accessibility Guidelines 1991 (1991 Standards) and the Americans with Disabilities Act Title III Regulations.

TT did not visit the Subject Property. TT's analysis was based on measurements and photos taken by Mr. Ross, which are included in this report. According to Mr. Ross, the stair is 7'-9" wide, and risers range from approximately 6" to 7" in height and treads measure approximately 12" deep. No handrails are provided at this stair, however there are low stone walls which have been measured at approximately 27" at their highest point above the stair surface. See below for TT's code analysis.

NYS Multiple Dwelling Law

¹ [ZoLa | NYC's Zoning & Land Use Map](#)

² <https://residential.columbia.edu/content/608-west-113th-street>

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The Multiple Dwelling Law generally only applies to buildings erected after 1929. However, Article 3 provides that certain sections (including section 52 “Stairs”) shall apply to all multiple dwellings, both class A and class B, erected before 1929.³ Section 52 “Stairs” states:

In every multiple dwelling erected after April eighteenth, 1929, every interior stair, fire-stair and fire-tower and every exterior stair in connection with any dwelling altered or erected after January 1st, 1951, shall be provided with proper balustrades or railings and all such interior and exterior stairs shall be kept in good repair and free from any encumbrance. Every such stair, fire-stair and fire-tower more than three feet eight inches wide shall be provided with a handrail on each side.⁴ (emphasis by TT)

Per this section of the Multiple Dwelling Law, the Subject Property, having been altered after 1951 and having a 7’-9” wide stair, is required by code to have a handrail on each side. The exterior stair as-built is not compliant with this section of the Multiple Dwelling Law.

1938 Code:

The 1938 Code provide requirements for required exits and required stairs. Regarding required stairs, it states:

Required exit stairs shall have walls or well secured balustrades or guards on both sides with hand-rails on both sides. Required hand-rails on the rake of stairs shall be between thirty and thirty-four inches high from the tread to the top of the rail, measured in line with the riser. Balustrades on the level shall be at least thirty-four inches from the floor or landing level to the top of the rail.⁵

Handrails are not provided on the Entry Stair of the Subject Property, therefore 608 West 113th Street is not in compliance with 1938 Code requirements for handrails per this section.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) is a federal law which prohibits discrimination against persons with disabilities in both the private and public sectors. Title III of the ADA, which addresses public accommodations, applies to the Subject Property.⁶

³ NYS Multiple Dwelling Law Article 3 Multiple Dwellings-General Provisions – Section 25. Application of article three.

⁴ NYS Multiple Dwelling Law Section 52. Stairs.

⁵ 1938 Building Code Sub-Article 4. Required Stairways, (6.4.1.12).1. Hand-Rails in Required Stairways

⁶ ADA Title III Regulations Section 36.104 Definitions states that “Place of public accommodation means a facility operated by a private entity whose operations affect commerce and fall within at least one of the following categories ... (10) A nursery, elementary, secondary, undergraduate, or postgraduate private school, or other place of education”

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In 1991, the Department of Justice issued rules implementing Title III, known as 28 CFR Part 36 (ADA Title III). The rules are further illustrated with prescriptive guidelines, known as the ADA Standards for Accessible Design (1991 Standards), which was also issued in 1991. Both ADA Title III and the 1991 Standards were revised and re-issued in 2010 (1991 Standards are now known as the 2010 Standards).

1991 Standards

The 1991 Standards contain various requirements at stairways including:

Stairways shall have handrails at both sides of all stairs. Handrails shall be continuous along both sides of stairs.⁷

At the Subject Property, handrails are not provided on the Entry Stair. Per this section in ADAAG 1991, 608 West 113th Street is not in compliance with 1991 Standards' requirement for handrails.

ADA Title III

28 CFR Part 36 contains requirements for the "removal of barriers" in existing facilities, stating:

A public accommodation shall remove architectural barriers in existing facilities, including communication barriers that are structural in nature, where such removal is readily achievable, i.e., easily accomplishable, and able to be carried out without much difficulty or expense.⁸

This section goes on to state that barriers shall be removed in order of priority. The highest priority listed is providing access to the building from the sidewalk.⁹ This section also provides guidance for existing facilities, stating:

On or after March 15, 2012, elements in existing facilities that do not comply with the corresponding technical and scoping specifications for those elements in the 1991 Standards must be modified to the extent readily achievable to comply with the requirements set forth in the 2010 Standards.¹⁰

This text defines "readily achievable" as "easily accomplishable and able to be carried out without much difficulty or expense." Installation of 2010 Standards-compliant handrails or ramps at stairs where such elements are lacking is an example of removing architectural barriers.

⁷ ADA Standards for Accessible Design Section 4.9.4. Handrails

⁸ 28 CFR Part 36, Section 36.04 (a)

⁹ 28 CFR Part 36, Section 36.04 (c)

¹⁰ 28 CFR Part 36, Section 36.04 (b)

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Per these sections in 28 CFR Part 36, the Subject Property qualifies as a public accommodation and shall remove architectural barriers in existing facilities. Given that the Subject Property's entry stair is not compliant with 1991 Standards, the Subject Property is now required to be modified to the extent readily achievable to comply with the 2010 Standards.

END OF MEMO