

Prohibit Recreational Use of Roof

Here is an example of a letter you can send your tenants that details the law and dangers surrounding recreational

roof use. You should send a letter of this type to all tenants before roof use becomes a problem during hot weather.

[Insert date]

John Tenant
999 E. 99th St., Apt. 3A
New York, NY 00000

Dear John Tenant:

It has come to our attention that the roof of the building has been or may be used by tenants and their guests for recreational purposes. This sort of use falls outside the scope of its intended purpose. Additionally, tenants and guests have used barbecues on the roof.

This letter is to inform you that these uses are in violation of several laws, and they pose a danger to your health and safety, and must be terminated immediately. Here are three applicable laws:

1. **Section 307.5 of the New York City Fire Code** prohibits anyone from operating a barbecue within 10 feet of any combustible material or building surface. And the roof is classified as a combustible surface in a residential space. Therefore, any use of the roof to operate a barbecue constitutes a violation of the Fire Code.
2. **Section 27-2010 of the Housing Maintenance Code** requires that all roof areas for residential dwelling be kept clean and clear of debris and obstructions. Anything that blocks a clear path across the roof to a fire escape, anything that could be blown off the roof, or anything that may damage the roof—such as tables or chairs—are not allowed. Also, any unauthorized use of the roof area could constitute a violation of this provision.
3. **Section 78 of the Multiple Dwelling Law** specifically deals with the allocation of liability when a violation is recorded due to a tenant's action. This section clearly states that tenants are jointly liable in such a situation. In short, any tenant who causes a violation based on any of the aforementioned unauthorized uses would be subject to the full penalty imposed by the law, in addition to being held accountable for any damage caused.

We are reminding you of the laws and your obligations to ensure that the building remains safe for everyone and that the roof remains clean and in good repair. Please cooperate with us by refraining from entering the roof area, in the absence of an emergency. Any specific questions regarding these rules should be addressed to the management office.

Yours truly,
Jim Owner