



# NEW YORK STATE DEPARTMENT OF STATE

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## TECHNICAL BULLETIN

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**Code Effective Date:** January 1, 2008

**UPDATED**

**Source Document:** 19NYCRR 1220 - *Residential Code of New York State (RCNYS)*

**Topic:** Emergency escape and rescue openings

This document is to clarify the requirements for emergency escape and rescue openings in the *Residential Code of New York State (RCNYS)*, section R310, which states in part:

***Emergency escape and rescue required.*** Basements with habitable space and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where openings are provided as a means of escape and rescue they shall have a sill height of not more than 44 inches above the floor. The net clear opening dimensions required by this section shall be obtained by the normal operation of the window or door opening from the inside. All emergency escape and rescue openings shall have a minimum net clear opening of 5.7 square feet, EXCEPT that grade floor openings shall have a minimum net clear opening of 5 square feet. The minimum net clear opening height shall be 24 inches. The minimum net clear opening width shall be 20 inches. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

The term “emergency escape and rescue opening” is defined as:

*An operable window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency.*

The required size of the emergency escape and rescue opening is larger for above grade and below grade openings than it is for grade level openings. This is intended to allow emergency personnel carrying such equipment as a Scott air pack to enter the building.

***Can a garage with an emergency escape and rescue opening serve a finished basement at the same floor level?*** YES. The required emergency escape and rescue opening for habitable space, that is not a sleeping room, and which is located in a basement, may be through a garage that has an at grade exterior door or a window meeting the opening requirements of section R310. An upward acting overhead garage door is not acceptable as an emergency escape and rescue opening.

***Can an emergency escape and rescue opening in an upper level space, such as a garage, serve a basement if it is necessary to use a stairway?*** NO. Except for bulkheads, which are openings in the exterior wall as described in section R310.3, a stairway is not an acceptable component of an escape and rescue opening. By definition, the required emergency escape and rescue opening must be an operable window or exterior door. The code clearly states that the basement must be provided with such an opening. While a circuitous route to an egress opening is allowed, it must be accessed at the basement floor level without having to ascend a stairway. Where there are two stairways from the basement leading up to the dwelling unit, an emergency escape and rescue opening to the exterior per section R10 is still required.

***Can an emergency escape and rescue opening be accessed through a crawl space that is elevated above and located adjacent to a basement?*** NO. Section R310.1 requires the basement and not a crawl space to be provided with an emergency escape and rescue opening, which must be an operable door or window. Such an opening located in a crawl space is not an emergency escape and rescue opening since such opening would serve the crawl space and not the basement. Access to a crawl space using a stairway is the basis of question 2 above.

***Can I install a platform beneath an emergency escape and rescue opening to reduce the sill height to 44 inches above the basement floor?*** NO. Section 310.1 requires the sill height to be measured above the floor. A platform is not a floor. A platform could be a tripping hazard for an occupant or a firefighter under emergency smoke conditions and could reduce the ceiling height of the basement to less than required.

***Can I use a double hung window where both the lower and upper sash of the window need to be removed to provide the required emergency escape and rescue openings?*** NO. Section R310 requires that the emergency escape and rescue opening dimensions result from the normal operation of the window or door from the inside. The normal operation of a double hung window is to slide the lower sash up as far as it will go. The required opening dimensions must be obtained based on the operation of a single sash.

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