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Int. No. 1665

By Council Members Gjonaj, Chin and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to authorizing the construction and regulation of licensed hostels

Be it enacted by the Council as follows:

Section 1. Chapter 64 of the New York city charter is amended by adding a new section 2205 to read as follows:

§ 2205. Office for licensed hostels. a. Terms used herein shall have the meanings set forth in chapter 1 of title 26 of the administrative code.

b. There shall be within the department of consumer affairs an independent office for licensed hostels to be headed by a director appointed by the commissioner of the department.

c. The office shall be responsible for regulating the establishment and operation of licensed hostels in accordance with chapter 1 of title 26 of the administrative code. In regulating such businesses, the office shall

have the powers and duties conferred by this section and such other powers and duties as are conferred by law.

The powers and duties of the office shall include but not be limited to the following:

1. To establish standards for the issuance, denial, suspension and revocation of licenses necessary for the use and occupancy of licensed hostels, the operation of hostel businesses and the fitness of licensed hostel operators and to issue, deny, suspend and revoke such licenses;

2. To investigate any matter within its jurisdiction and to have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation;

3. To establish standards for maintenance of licensed hostels, services provided by such hostels and the safety and operation of such hostels;

4. To conduct studies of, or investigations into, any matter within its jurisdiction in order to assist the city in formulating policies relating to hostels;

5. To create and disseminate materials on any matter within its jurisdiction in order to advise or educate such businesses and members of the public regarding such matters;

6. To adopt rules necessary or appropriate to carry out the powers and duties conferred on it by law; and

7. To establish reasonable fees (i) to recover costs for issuance and renewal of licenses including but not limited to costs of processing applications, conducting investigations of applicants and enforcing the licensing provisions and (ii) to recover costs for inspections of licensed hostels by the office or other city agencies.

§ 2. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 1 to read as follows:

CHAPTER 1

LICENSED HOSTELS

§ 26-101 Definitions.

- § 26-102 Applicability.
- § 26-103 Licensed hostel operator.
- § 26-104 Occupancy.
- § 26-105 Licensed hostel services.
- § 26-106 Maintenance standards for hostel units.
- § 26-107 Minimum standards for safety and fire protection.
- § 26-108 Inspections.
- § 26-109 Records.
- § 26-110 License suspension or revocation.
- § 26-111 Civil penalties.
- § 26-112 Construction.
- § 26-113 Use of term “licensed hostel.”

§ 26-101 Definitions. As used in this chapter:

“Bunk bed combination” means a combination of not more than two single beds constructed one above the other.

“Dwelling unit” means a dwelling unit as defined in the housing maintenance code.

“Hostel” means a class B multiple dwelling, as defined in the housing maintenance code, providing lodging, food and other services to tourists, travelers and others requiring temporary accommodation in which more than 70 percent of the dwelling units are hostel units.

“Hostel unit” means a rooming unit designed to provide sleeping space for not fewer than four but no more than eight individuals, with rent charged separately for each individual sleeping space.

“Licensed hostel” means a hostel that has been licensed pursuant to this chapter.

“Licensed hostel operator” means an operator of a licensed hostel.

“Multiple dwelling” means a multiple dwelling as defined in the housing maintenance code.

“Office” means the office for licensed hostels within the department of consumer affairs.

“Operator” means a person, corporation or other business entity that owns a hostel or that is engaged in the business of operating a hostel.

“Private room” means a dwelling unit designed for occupancy by up to four individuals and which is offered for rent as a unit.

§ 26-102 Applicability. On and after the effective date of this chapter it shall be lawful to construct a new building for occupancy or use as a hostel or to alter or convert a building in existence on the effective date of this chapter for occupancy or use as a hostel, subject to the following conditions:

1. Multiple dwellings in existence on the effective date of this chapter shall not be converted for use as hostels, whether such conversion is implemented with or without physical alteration.

2. Notwithstanding any inconsistent provision of title 28 of the administrative code, a building in existence on the effective date of this chapter converted for occupancy or use as a hostel shall comply with the New York city building code for newly constructed buildings. The option to alter an existing building in accordance with provisions of the 1968 building code and the option to convert buildings erected prior to December 6, 1969 to multiple dwellings in accordance with applicable provisions of the multiple dwelling law shall not apply to the conversion of buildings for use as licensed hostels.

3. It shall be unlawful to use or occupy a building as a licensed hostel without a license for such building issued by the office for licensed hostels in accordance with this chapter, section 2205 of the New York city charter and the rules of such office.

4. Construction documents, as defined in chapter 1 of title 28 of this code, for a hostel shall not be approved by the department of buildings until the office makes an initial determination relating to the fitness of the operator.

5. A certificate of occupancy for the use or occupancy of a building as a hostel shall not be issued until a license pursuant to this chapter is issued for such hostel. Such certificate shall expire by operation of law upon the expiration, suspension or revocation of such license.

§ 26-103 Licensed hostel operator. The application for a license for a hostel shall be submitted by the operator of such hostel. Such operator shall be subject to regulation by the office in accordance with this chapter, section 2205 of the New York city charter and the rules of the office. The office shall require that a new license be issued for a hostel upon a change in operator or upon a change in the control of a corporate operator.

§ 26-104 Occupancy. A licensed hostel shall comply with each of the following conditions:

1. A licensed hostel may contain private rooms but shall not contain apartments, as defined in the housing maintenance code, other than one apartment for a resident employee.

2. No individual may occupy a licensed hostel for more than 29 days in any 12 month period.

3. A licensed hostel shall contain 30 sleeping spaces or more.

§ 26-105 Licensed hostel services. A license shall not be issued or renewed for a hostel unless, in addition to sleeping accommodations, the hostel provides the following services for guests:

1. A restaurant, coffee shop or cafeteria located in the hostel.

2. Lockers for guests occupying hostel units to store personal belongings located in a central area in the hostel or in each hostel unit.

3. A desk at the main entrance of the hostel attended by hostel staff providing check-in, concierge, security and/or other services for guests. Such desk shall be staffed 24 hours a day, seven days a week.

4. A video security system.

5. One or more common lounge areas for guests.

§ 26-106 Maintenance standards for hostel units. The office shall prescribe minimum standards for the maintenance of hostel units, private rooms, sanitary facilities and common areas in hostels, which shall include but shall not be limited to:

1. Providing an adequate supply of clean linens and towels to guests.

2. Maintaining the cleanliness of hostel units, private rooms, sanitary facilities and common areas.

3. Storage of mattresses, linens, brooms, mops and other paraphernalia incidental to the occupancy and maintenance of the hostel.

4. Provision of metal or hard, noncombustible refuse containers with self-closing lids to be located on every story for scrap and refuse of a combustible nature.

5. Posting of maximum permitted occupancy on the interior of the entrance door to each private room

and hostel unit.

§ 26-107 Minimum standards for safety and fire protection. A license shall not be issued or renewed for a hostel unless, in addition to complying with the standards for safety and fire protection required for class B multiple dwellings prescribed by other provisions of law, such hostel complies with additional or stricter standards prescribed by the office. Such additional or stricter standards shall include, but shall not be limited to:

1. Maximum occupants per story. The number of persons occupying each story in a hostel shall not be greater than the number obtained by (i) dividing the smallest clear width of each required exit approved by the department of buildings by 22, (ii) rounding that result down to the nearest whole number, and (iii) multiplying that result by 22.

2. Exit access. An unobstructed exit access path at least three feet wide shall be provided and maintained starting alongside at least one side of each bed or bunk bed combination to the door exiting from a hostel unit or private room.

3. Spacing between beds and bunk bed combinations. No bed or bunk bed combination shall be placed within three feet of another bed or bunk bed combination located within the same hostel unit or private room, whether or not low partitions or dividers are provided.

4. Low partitions or dividers. No partitions or cubicles shall enclose spaces within the sleeping rooms in a hostel, except that noncombustible, low partitions or dividers shall be permitted between sleeping spaces in hostel units provided they do not exceed a height of four feet.

5. Interior finishes. No combustible wainscoting, molding or other facings shall be applied to walls, partitions or ceilings within hostel units or private rooms or within entrance halls or other public halls or stairs, except for flat baseboards ten inches or less in height.

6. Stair construction. Stair stringers, handrails, soffits, fascias, railings, balustrades and newel posts shall be constructed of hard noncombustible material.

7. Storage rooms. There shall be one or more completely enclosed compartments remote from any

stairway for the storage of mattresses, linens, brooms, mops and other paraphernalia incidental to the occupancy and maintenance of the hostel. The partitions forming each such compartment shall be enclosed with fire barriers with doors thereto fire-rated in accordance with chapter 7 of the New York city building code. Each such compartment shall be ventilated in accordance with the New York city mechanical code. Any space which is used for the storage of mattresses, in addition to conforming to the other provisions of this section, shall be provided with a window 10 square feet or more in area, and such window shall open upon a street or yard.

8. Fire alarms. The activation of a sprinkler water flow alarm shall cause annunciation of audible and visual notification appliances throughout the hostel. The activation of a sprinkler tamper switch shall cause a notification to the central monitoring station and fire department.

9. Beds. All beds shall be metal or other noncombustible materials. No bed shall be placed or constructed above another bed except that bunk bed combinations are permitted.

10. Electrical receptacles. At least one duplex 120-volt electrical receptacle per sleeping space shall be provided within a hostel unit or private room. Where sanitary facilities are located within a hostel unit or private room, such required electrical receptacles shall be in addition to the number of electrical receptacles required in such sanitary facilities by the New York city electrical code.

11. Lavatories. Within a hostel unit or private room, lavatories shall be permitted to be located outside of a toilet room for the convenience of guests, provided however that any such lavatories shall not reduce the minimum number of required lavatories in toilet rooms.

12. Dimensions. Within a room used for sleeping purposes in a hostel unit, there shall be a minimum of 70 square feet of floor space for each bed therein. For the purposes of this subdivision each bed of a bunk bed combination shall be counted separately. Such required minimum floor space shall be exclusive of closets, bathrooms and private halls and other similar spaces. No private room or hostel unit shall be less than six feet in its least dimension.

§ 26-108 Inspections. A licensed hostel shall be inspected by the office at intervals of three months or

less in accordance with the rules of the office. Such inspections may be performed by employees of the office or by employees of other agencies designated by the office. In addition, staff of the hostel shall perform inspections of common areas of the hostel at least once every three hours in accordance with the rules of the office.

§ 26-109 Records. The office shall prescribe minimum record keeping and reporting requirements for licensed hostel operators and shall require that such records and/or reports be made available for inspection by employees of the office or of other agencies designated by the office.

§ 26-110 License suspension or revocation. 1. The office may revoke, suspend or refuse to renew a license issued pursuant to this chapter (i) for violation of any provision of this chapter or of rules promulgated by the office, (ii) based on any of the grounds for which the office may refuse to issue a license or (iii) for violations of other applicable laws relating to safety and fire protection of buildings or the fitness of the hostel operator.

2. The office shall determine by rule a process for revoking, suspending or refusing to renew a license issued pursuant to this chapter. Such process shall afford the operator an opportunity to appeal the violation or suspension by referring the matter for a hearing before the office of administrative trials and hearings. However, where public safety may be imminently jeopardized by the continued operation of the hostel, the license may be suspended immediately, subject to the right of the operator to an expedited suspension hearing.

§ 26-111 Civil penalties. Civil penalties not exceeding 750 dollars for each violation may be imposed on the operator for each violation of any provision of this chapter or of rules promulgated by the office, provided that such civil penalties shall be indexed to inflation in a manner to be determined by the rules of such office. Such civil penalties may be imposed in proceedings before the environmental control board. Notices of violation returnable to such board may be served by employees of the office for licensed hostels or by employees of other city agencies designated by such office. The office may refuse to renew a license pending payment of civil penalties imposed by the environmental control board.

§ 26-112 Construction. The provisions of this chapter shall not be construed to prohibit the lawful occupancy or use of any class B multiple dwelling in accordance with any other provisions of law authorizing such occupancy or use or to require that a license be obtained for such lawful occupancy or use.

§ 26-113 Use of term “licensed hostel.” It shall be unlawful for any person, corporation or other business entity to use the term “licensed hostel” in reference to any sleeping accommodation or to hold out any sleeping accommodation as licensed pursuant to this chapter unless such accommodation has a license issued by the office pursuant to this chapter. A violation of this section shall be punishable by a civil penalty of 250 dollars or imprisonment for up to 30 days, or both, provided that such civil penalties shall be indexed to inflation in a manner to be determined by the rules of such office. Such civil penalties may be imposed in proceedings before the environmental control board. Notices of violation returnable to such board may be served by employees of the office for licensed hostels or by employees of other city agencies designated by such office. The office may refuse to provide or renew a license pending payment of civil penalties imposed by the environmental control board.

§ 3. Paragraph 9 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended to read as follows:

9. A class B multiple dwelling is a multiple dwelling which is occupied, as a rule, transiently, as the more or less temporary abode of individuals or families who are lodged with or without meals. This class includes hotels, licensed hostels, lodging houses, rooming houses, boarding houses, boarding schools, furnished room houses, lodgings, club houses, and college and school dormitories.

§ 4. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 49 to read as follows:

49. A “licensed hostel” is a licensed hostel as defined in chapter 1 of title 26 of the administrative code of the city of New York.

§ 5. Section 27-2077 of the administrative code of the city of New York is amended to read as follows:

§ 27-2077 Conversions to rooming units prohibited. a. No rooming unit which was not classified and recorded as such in the department prior to May fifteenth, nineteen hundred fifty-four or converted to such use prior to April thirtieth, nineteen hundred fifty-six, shall be created in any dwelling, whether such conversion is effected with or without physical alterations, except for rooming units:

(1) Owned or controlled and operated by a hospital for occupancy by nurses and interns on its staff; [or]

(2) Owned and operated without profit by an educational, religious or charitable institution as a residence for the aged, or for working girls or women, or for working boys or men, or for delinquent, dependent or neglected children, or for students attending a school or college; [or,]

(3) approved by the commissioner of the department and created with the substantial assistance of loans, grants or subsidies from any federal, state or local agency or instrumentality; [or]

(4) approved by the commissioner of the department and owned, operated or used by any federal, state or local agency or instrumentality or by a non-profit organization; or

(5) Owned and operated as a licensed hostel pursuant to chapter 1 of title 26 of the administrative code of the city of New York.

§ 6. Item 7, residential classification, of Table 403.1 of the New York city plumbing code is amended by adding a new row for required plumbing fixtures in licensed hostels following the row for hotels, motels and boarding houses, to read as follows:

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS URINALS (SEE SECTION 419.2)		LAVATORIES	BATHTUBS/ SHOWERS	DRINKING FOUNTAIN (SEE SECTION 410.1)	OTHER
				MALE	FEMALE				
7	Residential	R-1 ^m	Licensed hostels	1 per 6		1 per 6	1 per 6	1 per 100	1 service sink

§ 7. Section 310.1.1 of the New York city building code is amended by adding a new item 4 to read as follows:

4. Licensed hostels authorized pursuant to Chapter 1 of Title 26 of the Administrative Code.

§ 8. Exception 2 of section 1011.1 of the New York city building code is amended to read as follows:

2. Exit signs are not required in occupancies in Group U and individual sleeping units or dwelling units in Group I-1 or R. However, in a congregate living unit where the occupancy of such unit exceeds four people and in hostel units in licensed hostels, as such terms are defined in chapter 1 of Title 26 of the administrative code, exit signs shall be provided.

§ 9. This local law shall take effect 180 days after enactment, except that the commissioner of consumer affairs, the commissioner of buildings and the commissioner of housing preservation and development may take such measures as are necessary for the implementation of this local law, including the promulgating of rules, prior to such effective date.

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