



Legislation Text

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Proposed Int. No. 1004-A

By Council Members Dilan, Chin, Comrie, Koo, Koppell, Rodriguez, Jackson, Van Bramer, Brewer and Halloran (by request of the Mayor)

A Local Law to amend the New York city charter and 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. The New York city charter is amended by adding a new section 2100-a, to read as follows:

§2100-a Office for licensed hostels. a. There shall be within the business integrity commission an independent office for licensed hostels to be headed by a director appointed by the chairperson of the commission.

b. The office shall be responsible for regulating the establishment and operation of licensed hostels in accordance with chapter one of title twenty-six 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. For the purposes of this chapter, the following terms shall have the following meanings:

a. The term “office” shall mean the office for licensed hostels within the business integrity commission.

b. The term “licensed hostel” shall mean a class B multiple dwelling providing lodging, food and other services to tourists, travelers and others requiring temporary accommodation in which more than

seventy percent of the dwelling units are hostel units. 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. A licensed hostel shall not be occupied by the same individual for more than twenty-nine days in any twelve month period. A licensed hostel shall not contain fewer than thirty sleeping spaces.

c. The term “hostel unit” shall mean a dwelling unit designed to provide sleeping space for not fewer than four nor more than eight individuals with rent charged separately for each individual sleeping space. Occupants of a hostel unit may share sanitary facilities located within the hostel unit with other occupants of such unit or may share common sanitary facilities located on the same floor as the hostel unit with other occupants of the hostel.

d. The term “private room” shall mean a dwelling unit designed for occupancy by up to four individuals and which is offered for rent as a unit. Sanitary facilities for occupants may be located within the dwelling unit or occupants may share common sanitary facilities located on the same floor as the private room with other occupants of the hostel.

e. The term “licensed hostel operator” or “operator” shall mean a person, corporation or other business entity that owns a licensed hostel or that is engaged in the business of operating a licensed hostel.

f. The term “bunk bed combination” shall mean a combination of not more than two single beds constructed one above the other.

§26-102 Applicability. Notwithstanding any inconsistent provision of section 27-2077 of the administrative code, on and after the effective date of this chapter it shall be lawful to construct a new building for occupancy or use as a licensed hostel or to alter or convert a building in existence on the effective date of this chapter for occupancy or use as a licensed 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 licensed hostels, whether such conversion is effected with or without physical alteration.

2. Notwithstanding any inconsistent provision of title twenty-eight of the administrative code, a

building in existence on the effective date of this chapter converted for occupancy or use as a licensed hostel must comply with the New York city building code as if it were a new building. 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 2100-a of the New York city charter and the rules of such office. Licenses shall be issued for a term to be set forth in the rules of such office and shall be renewable in accordance with such rules. The operator of a licensed hostel shall be subject to regulation by the office for licensed hostels in accordance with this chapter, section 2100-a of the New York city charter and the rules of such office. The applicant for a license for a licensed hostel shall be the licensed hostel operator. Construction documents, as defined in chapter 1 of title 28 of this code, for a licensed hostel shall not be approved by the department of buildings until the office for licensed hostels makes an initial determination relating to the fitness of the operator, including financing. A certificate of occupancy for the use or occupancy of a building as a licensed hostel shall expire by operation of law upon the expiration, suspension or revocation of such license. The office shall require that a new license be issued upon a change in operator or upon a change in the control of a corporate operator.

§ 26-103 Licensed hostel services. A license shall not be issued or renewed for a licensed hostel unless, in addition to sleeping accommodations, the hostel provides the following services for guests:

1. A restaurant, coffee shop, cafeteria or drinking establishment located in the hostel with direct access for guests from within 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 twenty-four

hours a day, seven days a week.

4. A video security system.

5. One or more common lounge areas for guests with a combined minimum floor space of not less than fifteen square feet per occupant. Such required minimum floor space shall be exclusive of closets, bathrooms and private halls and other similar spaces but may include space used as a common kitchen for the use of all guests.

§ 26-104 Maintenance standards for hostel units. The office shall prescribe minimum standards for the maintenance of hostel units, private rooms, sanitary facilities and common areas, 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.

§26-105 Minimum standards for safety and fire protection. The office shall prescribe minimum standards for safety and fire protection in hostels in addition to and stricter than the standards for safety and fire protection required for class B multiple dwellings by other provisions of law. Such additional and/or stricter standards shall include but shall not be limited to:

1. Maximum occupants per story. The number of persons occupying any story in a hostel shall not be greater than twenty-two persons for each full multiple of twenty-two inches in the smallest clear width

provided in the required exits serving such story.

2. Exit access. A continuous and 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.

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, except that the alignment of beds in end to end configurations with less than three feet of space between the toe board of a bed and the head board of an adjacent bed may be permitted.

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

5. Interior finishes. No combustible wainscoting, molding or other facings shall be applied to walls, partitions or ceilings within hostel units and 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 ten 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 licensed hostel. The activation of a sprinkler tamper switch shall cause a notification to the central monitoring station and fire department.

9. Beds. All beds and bunk bed combinations 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. A hostel unit or private room shall have at least 400 cubic feet of air 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 air 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.

§26-106 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 two hours in accordance with the rules of

the office.

§26-107 Records. The office shall prescribe minimum record keeping and reporting requirements for 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.

§26-108 License suspension or revocation. 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 operator. Before such action may be taken the office shall afford the operator notice and an opportunity 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 a prompt post suspension hearing.

§26-109 Civil penalties. Civil penalties not exceeding five thousand dollars for each violation may be imposed on the operator for violations of any provision of this chapter or of rules promulgated by the 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.

§26-110 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 from the office for licensed hostels for such lawful occupancy or use.

§26-111 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 for licensed hostels pursuant to this chapter. A violation of this section shall be punishable upon conviction by a fine of not more than twenty-five thousand dollars or imprisonment for not more than one year or both such fine and imprisonment.

§3 Item 7, residential classification, of Table 403.1 of the New York city plumbing code, as added by local law number 8 for the year 2008, is amended by adding a new row for required plumbing fixtures in licensed hostels following the row for dormitories, fraternities sororities and boarding houses, to read as follows:

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

§4. 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.

§5. 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, exit signs shall be provided.

§6. This local law shall take effect on the later of the date of its enactment into law or the date of adoption of zoning text amendment application number XXXX (number to be filled in later) permitting licensed hostels as a use group 5 use in specified zoning districts.

