



## Legislation Text

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Int. No. 719

By the Public Advocate (Mr. Williams) and Council Member Cornegy (by request of the Brooklyn Borough President)

A Local Law to amend the New York city building code and administrative code of the city of New York, in relation to boarders, lodgers or roomers in a private dwelling

Be it enacted by the Council as follows:

Section 1. The term “family” in section 310.2 of the New York city building code, as amended by local law number 141 for the year 2013, is amended to read as follows:

**FAMILY.**

1. A single person occupying a dwelling unit and maintaining a common household with not more than [two] four boarders, roomers or lodgers; or
2. Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit and maintaining a common household with not more than [two] four boarders, roomers or lodgers; or
3. Not more than three unrelated persons occupying a dwelling unit and maintaining a common household; or
4. Not more than three unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household; or
5. Members of a group home; or
6. Foster children placed in accordance with provisions of the *New York State Social Services Law*, their foster parent(s), and other persons related to the foster parents by blood, marriage or domestic partnership; where all residents occupy and maintain a common household with not more than two boarders, roomers or lodgers; or
7. Up to seven unrelated students enrolled at a single accredited college or university occupying a student apartment and maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly with such college or university, provided that:

7.1. The entire structure in which the dwelling unit is located is fully sprinklered in accordance with Chapter 9; and

7.2. Such occupancy does not exceed the maximums contained in Section 27-2075(a) of the *New York*

*City Housing Maintenance Code; and*

7.3. Prior to commencement of such occupancy, and on an annual basis thereafter such college or university has submitted a fire safety plan containing fire safety and evacuation procedures for such dwelling unit that is acceptable to the fire commissioner and in compliance with any rules promulgated by the Fire Commissioner; and

7.4. The dwelling unit complies with additional occupancy and construction requirements as may be established by rule by the Housing Preservation and Development Commissioner.

A common household is deemed to exist if all household members have access to all parts of the dwelling unit. Lack of access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists.

§ 2. Paragraph 4 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended to read as follows:

4. A family is:

(a) A single person occupying a dwelling unit and maintaining a common household with not more than [two] four boarders, roomers or lodgers; or

(b) Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit and maintaining a common household with not more than [two] four boarders, roomers or lodgers; or

(c) Not more than three unrelated persons occupying a dwelling unit and maintaining a common household; or

(d) Not more than three unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household; or

(e) Members of a group home; or

(f) Foster children placed in accordance with provisions of the New York state social services law, their foster parents, and other persons related to the foster parents by blood, marriage or domestic partnership; where all residents occupy and maintain a common household with not more than two boarders, roomers or lodgers; or

(g) Up to seven unrelated students enrolled at a single accredited college or university occupying a student apartment, as such term is defined in the New York city building code, and maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly with such college or university, provided that:

(i) The entire structure in which the dwelling unit is located is fully sprinklered in accordance with chapter 9 of the New York city building code; and

(ii) Such occupancy does not exceed the maximums contained in subdivision a of section 27-2075; and

(iii) Prior to commencement of such occupancy, and on an annual basis thereafter such college or university has submitted a fire safety plan containing fire safety and evacuation procedures for such dwelling unit that is acceptable to the fire commissioner and in compliance with any rules promulgated by the fire commissioner; and

(iv) The dwelling unit complies with additional occupancy and construction requirements as may be established by rule by the department of housing preservation and development or its successor.

§ 3. Subdivision c of section 27-2078 of the administrative code of the city of New York is amended to read as follows:

c. A family may rent one or more living rooms in a private dwelling to not more than [two] four boarders, roomers or lodgers, except as otherwise prohibited under the zoning resolution of the city of New York.

§ 4. This local law takes effect on the later of the date of its enactment into law or the date of adoption of a zoning text amendment defining family in section 12-10 as including not more than four boarders, roomers or lodgers.

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