



Legislation Text

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File #: Int 1107-2024, Version: A

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Proposed Int. No. 1107-A

By Council Member Louis, The Speaker (Council Member Adams) and Council Members Narcisse, Riley, Brooks-Powers, Salamanca, Feliz and Stevens

A Local Law to amend the New York city building code and administrative code of the city of New York, in relation to common households for short-term rentals in one- and two-family dwellings

Be it enacted by the Council as follows:

Section 1. The definition of “DWELLING, ONE-FAMILY” set forth in section 202 of the New York city building code, as amended by local law number 77 for the year 2023, is amended to read as follows:

**DWELLING, ONE-FAMILY.** Any building or structure designed and occupied exclusively for residence purposes on a long-term basis for more than a month at a time by not more than [one] 1 family. One-family dwelling shall also be deemed to include a dwelling located in a series of one-family dwellings each of which faces or is accessible to a legal street or public thoroughfare, provided that each such dwelling unit is equipped as a separate dwelling unit with all essential services, and also provided that each such unit is arranged so that it may be approved as a legal one-family dwelling. The permanent occupant or occupants of a one-family dwelling unit who receives a registration pursuant to Section 26-3102 of the *Administrative Code* shall provide reasonable access to the dwelling unit to the boarders, roomers, or lodgers, but shall not be required to provide access to the bedrooms, offices, or other similar private spaces of any permanent occupant in the dwelling unit.

§ 2. The definition of “DWELLING, TWO-FAMILY” set forth in section 202 of the New York city building code, as added by local law number 126 for the year 2021, is amended to read as follows:

**DWELLING, TWO-FAMILY.** Any building or structure designed and occupied [exclusively] primarily for residence purposes on a long-term basis for more than a month at a time by not more than [two] 2 families. Two-family dwellings shall also be deemed to include a dwelling located in a series of two-family dwellings each of which faces or is accessible to a legal street or public thoroughfare, provided that each such dwelling is equipped as a separate dwelling with all essential services, and also provided that each such dwelling is arranged so that it may be approved as a legal two-family dwelling. The permanent occupant or occupants of a dwelling unit in a two-family dwelling who receives a registration pursuant to Section 26-3102 of the *Administrative Code* shall provide reasonable access to the dwelling unit to the boarders, roomers, or lodgers, but shall not be required to provide access to the bedrooms, offices, or other similar private spaces of any permanent occupant in the dwelling unit.

§ 3. The definition of “FAMILY” set forth in section 202 of the New York city building code, as added

by local law number 126 for the year 2021, 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] 2 boarders, roomers, or lodgers;
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] 2 boarders, roomers, or lodgers;
3. Not more than [three] 3 unrelated persons occupying a dwelling unit and maintaining a common household;
4. Not more than [three] 3 unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household;
5. Members of a group home;
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] 2 boarders, roomers, or lodgers; or
7. Up to [seven] 7 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 of this code;
  - 7.2. Such occupancy does not exceed the maximums contained in Section 27-2075(a) of the *New York City Housing Maintenance Code*;
  - 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] family members have access to all parts of the dwelling unit. [Lack] A family member's lack of reasonable access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists. The permanent occupant of a one-family dwelling or a two-family dwelling shall not be required to provide a boarder, roomer, or lodger access to the bedrooms, offices, or other similar private spaces of the family members in the dwelling unit, and such lack of access shall not defeat a finding that a common household exists. Family members may elect to limit their own access to

any room occupied by a boarder, roomer, or lodger, and such lack of access shall not defeat a finding that a common household exists.

§ 4. The definition of “family” set forth in paragraph 4 of subdivision a of section 27-2004 of the administrative code of the city of New York, as added by local law number 8 of the year 2008, 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] 2 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] 2 boarders, roomers, or lodgers; or

(c) Not more than [three] 3 unrelated persons occupying a dwelling unit and maintaining a common household; or

(d) Not more than [three] 3 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] 2 boarders, roomers, or lodgers; or

(g) Up to [seven] 7 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.

A common household is deemed to exist if every member of the family has reasonable access to all parts of the dwelling unit. [Lack] A family member's lack of reasonable access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists.

§ 5. Subdivision a of section 27-2078 of the administrative code of the city of New York, as added by local law number 907 for the year 1985, is amended to read as follows:

a. A family may rent [one] 1 or more living rooms in an apartment to not more than [two] 2 boarders, roomers, or lodgers, if every living room in such apartment has free and unobstructed access to each required exit from such apartment as provided in paragraphs (a), (b), and (c) of subdivision [four] 4 of section [two hundred forty-eight] 248 or paragraph (a) of subdivision [one] 1 of section [fifty-three] 53 of the multiple dwelling law, and if each such boarder, roomer, or lodger has access to, and the right to use, at least [one] 1 water closet, bath, or shower and one washbasin as may be required in or for an apartment in this code. The family member who receives a registration pursuant to section 26-3102 shall provide reasonable access to the dwelling unit to the boarders, roomers, or lodgers, but shall not be required to provide access to the bedrooms, offices, or other similar private spaces of any family member in the dwelling unit.

§ 6. Section 26-3102 of the administrative code of the city of New York is amended by adding new

subdivision n to read as follows:

n. A registered host offering a short-term rental shall provide reasonable access to the dwelling unit to such boarders, roomers, or lodgers, but shall not be required to provide access to the bedroom, offices, or other similar private spaces of any permanent occupant in the dwelling unit.

§ 7. This local law takes effect 1 year after it becomes law.

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