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Int. No. 879

By Council Members Narcisse, Riley, Brooks-Powers, Louis, Feliz, Stevens and Salaam

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

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 2 of title 27 of the administrative code of the city of New York is amended to add a new Article 7 to read as follows:

ARTICLE 7

SHORT-TERM RENTAL OCCUPANCY OF ONE- AND TWO-FAMILY DWELLINGS

§ 27-2089-a Definitions. For the purposes of this article, the following terms have the following meanings:

Adult. The term "adult" means an individual 18 years of age or older.

Dwelling, one-family. The term "dwelling, one-family" means any building or structure designed and occupied primarily for residence purposes on a long-term basis for more than a month at a time by not more than 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.

Dwelling, two-family. Any building or structure designed and occupied primarily for residence purposes on a long-term basis for more than a month at a time by not more than 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.

Dwelling unit. The term "dwelling unit" means any residential accommodation in a one- or two-family dwelling, but shall not include an ancillary dwelling unit as defined in section 12-10 of the New York city zoning resolution.

Family. The term "family" means:

1. A single person occupying a dwelling unit and maintaining a common household with not more than 4 adult boarders, roomers, or lodgers, and their children who shall not be considered members of the family;

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 4 adult boarders, roomers, or lodgers, and their children, who shall not be considered members of the family;

3. Not more than 3 unrelated persons occupying a dwelling unit and maintaining a common household with not more than 4 adult boarders, roomers, or lodgers, and their children who shall not be considered members of the family;

4. Not more than 3 unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household.

A common household is deemed to exist if all family members have access to all parts of the dwelling unit. A family member's lack of physical access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists. The following shall not defeat a finding that a common household exists:

1. Privacy locks on bedroom or bathroom doors that provide privacy for the owner-occupant;

2. Locks on doors that can be observed to lead exclusively to rooms or spaces not used for sleeping, eating, or bathing such as closets, pantries, or storage areas, provided that in accordance with applicable law

locks shall not prevent access to any required means of egress; or

3. A written statement by the owner-occupant describing which parts of a dwelling unit are available for use by boarders, roomers, or lodgers.

Owner-occupant. The term "owner-occupant" means a natural person who resides in a dwelling unit in a one- or two-family dwelling for no less than 182 nights per year and appears as the owner of record of such dwelling as it appears on the records of the department of finance.

§ 27-2089-b Occupancy of one- and two-family dwellings. a. Notwithstanding any contrary provisions in the New York city building code or New York city housing maintenance code in relation to boarders, roomers, or lodgers, the owner-occupant of a one- or two-family dwelling unit may offer a short-term rental in such owner-occupant's dwelling unit to up to 4 overnight boarders, roomers, or lodgers and their children in accordance with this section and section 26-3102. Nothing in this article shall be construed to alter the occupancy requirements of the New York city building code. Every living room in such dwelling unit shall provide free and unobstructed access to each required exit from such apartment as provided in chapter 10 of the New York city fire code, and each such boarder, roomer, or lodger and their children shall have access to, and the right to use, at least 1 water closet, bath or shower, and one washbasin as may be required in or for an apartment in this code. The owner-occupant shall register the owner-occupied dwelling unit of such one- or two-family dwelling pursuant to section 26-3102. The owner-occupant need not be physically present in the dwelling unit during the period of the short-term rental. The family member or members shall provide reasonable access to the dwelling unit to the boarders, roomers, or lodgers and their children, but shall not be required to provide access to the bedrooms, offices, or other similar private spaces of any owner-occupant in the dwelling unit.

§ 27-2089-c Non-severability. If any portion of this article is adjudged by a court of competent jurisdiction to be invalid, the remainder of this article shall be deemed invalid.

§ 2. This local law takes effect 6 months after it becomes law.

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