

By Council Member Louis, The Speaker (Council Member Adams) and Council Members Narcisse and Riley

A Local Law to amend the New York city building code and 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:

1           Section 1. Section 202 of the New York city building code is amended by adding a new  
2 definition of “ADULT” in alphabetical order to read as follows:

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4 **ADULT.** For the purposes of chapter 3 of this code, an adult is an individual 18 years of age or  
5 older. Children shall not be considered as occupants.  
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7           § 2. The definition of “DWELLING, ONE-FAMILY” set forth in section 202 of the New  
8 York city building code, as amended by local law number 77 for the year 2023, is amended to read  
9 as follows:

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11 **DWELLING, ONE-FAMILY.** Any building or structure designed and occupied [exclusively]  
12 primarily for residence purposes on a long-term basis for more than a month at a time by not more  
13 than [one] 1 family. One-family dwelling shall also be deemed to include a dwelling located in a  
14 series of one-family dwellings each of which faces or is accessible to a legal street or public  
15 thoroughfare, provided that each such dwelling unit is equipped as a separate dwelling unit with  
16 all essential services, and also provided that each such unit is arranged so that it may be approved  
17 as a legal one-family dwelling. The permanent occupant or occupants of a one-family dwelling  
18 unit who receives a registration pursuant to Section 26-3102 of the *Administrative Code* may offer  
19 a short-term rental to up to 4 overnight boarders, roomers, or lodgers and their children. The  
20 permanent occupant or occupants need not be physically present in the dwelling unit during the  
21 period of the short-term rental. The permanent occupant or occupants shall provide reasonable  
22 access to the dwelling unit to the boarders, roomers, or lodgers and their children, but shall not be  
23 required to provide access to the bedrooms, offices, or other similar private spaces of any  
24 permanent occupant in the dwelling unit.  
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26           § 3. The definition of “DWELLING, TWO-FAMILY” set forth in section 202 of the New  
27 York city building code, as added by local law number 126 for the year 2021, is amended to read  
28 as follows:

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30 **DWELLING, TWO-FAMILY.** Any building or structure designed and occupied [exclusively]  
31 primarily for residence purposes on a long-term basis for more than a month at a time by not more  
32 than [two] 2 families. Two-family dwellings shall also be deemed to include a dwelling located in  
33 a series of two-family dwellings each of which faces or is accessible to a legal street or public  
34 thoroughfare, provided that each such dwelling is equipped as a separate dwelling with all essential  
35 services, and also provided that each such dwelling is arranged so that it may be approved as a  
36 legal two-family dwelling. The permanent occupant or occupants of a two-family dwelling unit

1 who receives a registration pursuant to Section 26-3102 of the *Administrative Code* may offer a  
2 short-term rental to up to 4 boarders, roomers, or lodgers and their children. The permanent  
3 occupant or occupants need not be physically present in the dwelling unit during the period of the  
4 short-term rental. The permanent occupant or occupants shall provide reasonable access to the  
5 dwelling unit to the boarders, roomers, or lodgers and their children, but shall not be required to  
6 provide access to the bedrooms, offices, or other similar private spaces of any permanent occupant  
7 in the dwelling unit.  
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9 § 4. The definition of “FAMILY” set forth in section 202 of the New York city building  
10 code, as added by local law number 126 for the year 2021, is amended to read as follows:  
11

12 **FAMILY.**  
13

- 14 1. A single person occupying a dwelling unit and maintaining a common household with not  
15 more than [two] 4 adult boarders, roomers, or lodgers and their children, who shall not be  
16 considered members of the family;  
17
- 18 2. Two or more persons related by blood, adoption, legal guardianship, marriage, or domestic  
19 partnership; occupying a dwelling unit and maintaining a common household with not  
20 more than [two] 4 adult boarders, roomers, or lodgers and their children, who shall not be  
21 considered members of the family;  
22
- 23 3. Not more than [three] 3 unrelated persons occupying a dwelling unit and maintaining a  
24 common household with not more than 4 adult boarders, roomers, or lodgers and their  
25 children, who shall not be considered members of the family;  
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- 27 4. Not more than [three] 3 unrelated persons occupying a dwelling unit in a congregate  
28 housing or shared living arrangement and maintaining a common household;  
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- 30 5. Members of a group home;  
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- 32 6. Foster children placed in accordance with provisions of the *New York State Social Services*  
33 *Law*, their foster parent(s), and other persons related to the foster parents by blood,  
34 marriage, or domestic partnership; where all residents occupy and maintain a common  
35 household with not more than [two] 4 adult boarders, roomers, or lodgers and their  
36 children, who shall not be considered members of the family; or  
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- 38 7. Up to [seven] 7 unrelated students enrolled at a single accredited college or university  
39 occupying a student apartment and maintaining a common household pursuant to a lease,  
40 sublease, or occupancy agreement directly with such college or university, provided that:  
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  - 42 7.1. The entire structure in which the dwelling unit is located is fully sprinklered in  
43 accordance with Chapter 9 of this code;  
44
  - 45 7.2. Such occupancy does not exceed the maximums contained in Section 27-2075(a) of  
46 the *New York City Housing Maintenance Code*;

1  
2 7.3. Prior to commencement of such occupancy, and on an annual basis thereafter such  
3 college or university has submitted a fire safety plan containing fire safety and  
4 evacuation procedures for such dwelling unit that is acceptable to the Fire  
5 Commissioner and in compliance with any rules promulgated by the Fire  
6 Commissioner; and

7  
8 7.4. The dwelling unit complies with additional occupancy and construction requirements  
9 as may be established by rule by the Housing Preservation and Development  
10 Commissioner.

11  
12 A common household is deemed to exist if all [household] family members have access to all parts  
13 of the dwelling unit. [Lack] A family member's lack of reasonable access to all parts of the  
14 dwelling unit establishes a rebuttable presumption that no common household exists. The  
15 permanent occupant of a one-family dwelling or a two-family dwelling shall not be required to  
16 provide a boarder, roomer, or lodger and their children access to the bedrooms, offices, or other  
17 similar private spaces of the family members in the dwelling unit, and such lack of access shall  
18 not defeat a finding that a common household exists. Family members may elect to limit their own  
19 access to any room occupied by a boarder, roomer, or lodger and their children, and such lack of  
20 access shall not defeat a finding that a common household exists.

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22 5. The definition of "family" set forth in paragraph 4 of subdivision a of section 27-2004  
23 of the administrative code of the city of New York, as added by local law number 8 of the year  
24 2008, is amended to read as follows:

25 4. A family is:

26 (a) A single person occupying a dwelling unit and maintaining a common household with  
27 not more than [two] 4 adult boarders, roomers, or lodgers and their children, who shall not be  
28 considered members of the family; or

29 (b) Two or more persons related by blood, adoption, legal guardianship, marriage, or  
30 domestic partnership; occupying a dwelling unit and maintaining a common household with not  
31 more than [two] 4 adult boarders, roomers, or lodgers and their children, who shall not be  
32 considered members of the family; or

1 (c) Not more than [three] 3 unrelated persons occupying a dwelling unit and maintaining a  
2 common household with not more than 4 adult boarders, roomers, or lodgers and their children,  
3 who shall not be considered members of the family; or

4 (d) Not more than [three] 3 unrelated persons occupying a dwelling unit in a congregate  
5 housing or shared living arrangement and maintaining a common household; or

6 (e) Members of a group home; or

7 (f) Foster children placed in accordance with provisions of the New York state social  
8 services law, their foster parents, and other persons related to the foster parents by blood, marriage,  
9 or domestic partnership; where all residents occupy and maintain a common household with not  
10 more than [two] 4 adult boarders, roomers, or lodgers and their children, who shall not be  
11 considered members of the family; or

12 (g) Up to [seven] 7 unrelated students enrolled at a single accredited college or university  
13 occupying a student apartment, as such term is defined in the New York city building code, and  
14 maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly  
15 with such college or university, provided that:

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

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

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

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

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

7 § 6. Subdivision a of section 27-2004 of the administrative code of the city of New York  
8 is amended by adding a new paragraph 51 to read as follows:

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

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

13 a. A family may rent [one] 1 or more living rooms in an apartment to not more than [two]  
14 4 adult boarders, roomers, or lodgers and their children, if every living room in such apartment has  
15 free and unobstructed access to each required exit from such apartment as provided in paragraphs  
16 (a), (b), and (c) of subdivision [four] 4 of section [two hundred forty-eight] 248 or paragraph (a)  
17 of subdivision [one] 1 of section [fifty-three] 53 of the multiple dwelling law, and if each such  
18 boarder, roomer, or lodger and their children has access to, and the right to use, at least [one] 1  
19 water closet, bath, or shower and one washbasin as may be required in or for an apartment in this  
20 code. The family member who receives a registration pursuant to section 26-3102 may offer a  
21 short-term rental to up to 4 boarders, roomers, or lodgers and their children. The family member  
22 or members need not be physically present in the dwelling unit during the period of the short-term  
23 rental. The family member or members shall provide reasonable access to the dwelling unit to the

1 boarders, roomers, or lodgers and their children, but shall not be required to provide access to the  
2 bedrooms, offices, or other similar private spaces of any family member in the dwelling unit.

3 § 8. Section 26-3102 of the administrative code of the city of New York is amended by  
4 adding new subdivisions n through p to read as follows:

5 n. The registered host of a private dwelling that receives a registration pursuant to this  
6 section need not be physically present in the dwelling unit during the period of the short-term  
7 rental.

8 o. The registered host of the dwelling unit may offer a short-term rental to up to 4 adult  
9 boarders, roomers, or lodgers and their children.

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

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

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