

Council Member Ben Kallos Introduces bill Taking on Airbnb to Stop Illegal Short Term Rentals and Open Up More Apartments For New Yorkers

Wednesday, May 12, 2021

Residents and Hosting Platforms would be required to register units with the city

Only home sharing by residents who are home to be allowed for less than 30-days

New York, NY – New legislation introduced today seeks to regulate Short-Term Rentals by would requiring hosts to register their homes prior to sharing and ensure platforms followed the law. Illegal short-term rentals in New York City add to the variety of long-standing affordability issues the City faces due to the loss of rent-stabilized or otherwise affordable apartments being turned into illegal hotels and listed on websites such as Airbnb, HomeAway, VRBO, FlipKey, Booking.com, and others. The legislation authored by New York City Council Member Ben Kallos and Tenants PAC seeks to help New York City recover from the pandemic by putting a dent in the long-standing affordable housing crisis that continues in part because of thousands of illegal short-term rentals instead of housing real New Yorkers.

“We need every apartment being listed illegally on Airbnb back on the market to help our affordable housing crisis. At a time that hotels are closing or sitting there empty it is crazy to see apartments all over the city getting converted into illegal Airbnbs. Moving forward the only listings we should see are actual home sharing where the host is home,” said **Council Member Ben Kallos**. “Thank you to Tenants PAC and the Coalition Against Illegal Hotels for their expertise and assistance in getting this important legislation drafted and introduced.”

"Tenants PAC looks forward to enactment of this overdue legislation. It's time the City cracked down on illegal hotels once and for all. We have lost too many affordable rent-regulated apartments to this illegal practice and we cannot afford to lose more, " said **Michael McKee of Tenants Political Action Committee**.

"For too long the STR platforms have ignored local housing laws claiming it was their 'Hosts' problem not theirs. With Councilmember Kallos's legislation, 'Hosts' will have to register their STR Business with New York City, just like any other business. And, then, yes, violating the law will be the STR platforms' 'Hosts'" problem said, " said **Tom Cayler West Side Neighborhood Alliance, Illegal Hotel Committee**.

"As someone that has studied the impact of Airbnb and short-term rentals on New York City's affordable housing and residential communities, I applaud the bold, world class legislation from Council Member Kallos. The proposed regulations create a clear process for enforcing the current housing laws and importantly makes platforms like Airbnb accountable by not allowing them to profit from illegal activity on their sites, as they've done for years," said **Murray Cox Data activist and founder of Inside Airbnb**.

There were over 37,000 short-term rental listings in New York City, as of February 2021, with half of them being listed as “entire homes or apartments,” which is not allowed in buildings with 3 or more apartments according to state law. When it comes to short-term rentals, state law only allows it for less than 30 days, where the resident is home at the time. These laws are enforced in New York City by the

Mayor's Office of Special Enforcement (OSE), however, due to various issues including legal challenges to the existing reporting requirements, it has been practically impossible to enforce this law in New York City.

Prior to the pandemic, [reports of multi-million dollar short-term rental schemes](#) by unscrupulous individuals who rented apartments to "tens of thousands of guests for 55,331 nights over three years across 35 different buildings." This was one egregious case where the current law worked, but as the data [reveals](#), this is still a growing issue.

Under Int [2309-2021](#) any short-term rental would be registered with the City and assigned a registration number which would have to be listed on any advertisement or any platform. The bill would also require the host to be the lawful occupant of the advertised unit and that the host, if not the owner of the advertised unit, have written consent of the owner of said unit. Further, the host must comply with all State and Federal laws, including being present during any rental period, not renting for more than 30 days, and not renting any units barred by statute, such as public housing units, rent-controlled units, etc. Failure to comply by individuals could lead to penalties of \$250 per day or more depending on the frequency of the violations.

The bill also requires that the City maintain an electronic system that a booking service may use to both verify whether an STR registration has been issued for a unit in the city and to obtain a unique confirmation number reflecting that such verification has occurred. Failure to comply by the booking services could lead to civil penalties up to \$1,500 for failure to create, maintain or submit an electronic transaction record to up to \$10,000 for failure to provide information changes in compliance with sections of this law.