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Testimony on proposal to implement Local Law 18 for year 2022

Gale A. Brewer, City Council District 6 – December 5, 2022

My name is Gale Brewer, and I am the Council Member for the 6th District which includes most of the Upper West Side.

I am probably the only person in America who has not booked a night or an activity through Airbnb. My son was traveling in another country, staying at Airbnbs, and even booked horseback riding via Airbnb!

I first want to express my appreciation for the leadership of Christian Klossner and the staff at the Office of Special Enforcement (OSE). I have been focused on the challenges that Airbnb brought to New York City since the day they began operating here more than a decade. With local elected officials and tenant advocates, we met to address the problems over many years, usually in Assembly Member Richard Gottfried's conference room. When Mr. Klossner was hired in 2015 to head the office, he met with us on a regular basis and the illegalities in this new, short-term rental market were handled in a professional fashion.

I am supportive of the policies that OSE has put in place, and I support Local Law 18-2022, especially for entire buildings that are used as short-term rentals. Before OSE's enforcement, visitors who used Airbnb were housed overnight in rent stabilized apartments, and some partied all night, disturbing neighbors and frightening people in the building because people were coming and going day after day. Hotels have sprinklers, exit signs and many safety features for visitors who are staying in rooms for a short time; apartment buildings are not equipped to keep tourists safe.

Local Law 18-2022, which goes into effect on Jan. 9, 2023, states that anyone seeking to rent out housing for fewer than 30 consecutive days in New York City will be required to register with the Office of Special Enforcement and obtain a registration number. Booking services such as Airbnb and Vrbo will then be required to verify the short-term rental registration number of any accommodation before listing it on their service.

Under Local Law 18, homeowners, co-op shareholders, condo unit-owners and renters will be required to certify that they are the legal owner or tenant, to designate an area for guests, to certify that hosting does not violate the terms of their lease or the law, and to provide the URL for any listings. The city, in turn, will confirm that the home is not in public housing, a rent-

regulated apartment, city-subsidized housing, or on the “prohibited buildings list” whose owners, including co-op and condo boards, have forbidden short-term rentals.

Co-op and condo boards as well as management companies are particularly supportive of this law; previously they had to watch for suitcases moving in the lobby and scour listings for illegal short-term stays.

I have not heard from many “hosts” about the proposed rules. Those I have heard from want to obey the law, but hope it can be modified slightly. Hosts in small, owner-occupied buildings worry about having their names and addresses with financial information on a public site. At present, a host must provide the address when a guest confirms their reservation, and when they register with Airbnb as a host of a short-term rental.

All building owners are listed on the Department of Finance’s website but not with financial information.

Hosts in small buildings who live on the premises and who only host in their own apartment or small building would like to be exempt from these proposed rules. Those hosting in multi-family buildings must have permission of the owner of the building or unit.

The other comment I have heard is the registration process as currently implemented is onerous, especially for hosts in small buildings who rent to one or two guests or groups at a time.

The hosts who are requesting exemptions point out that their buildings – which they live in and own – have no violations; they are up to code. Any exemption to the law should include that the building be in compliance with all city codes.

Thank you for your attention to short-term rentals. They need to be monitored and bad actors need to be fined and/or prohibited from ever operating a short-term rental property in New York City. Those who rent out entire buildings and do not live on the premises are bad actors. Local Law 18 is good law, but needs to be implemented with some reasonable carve outs.

Thank you also to former Council Member Ben Kallos who sponsored this bill.