

**PROPOSED AMENDMENTS TO THE ADMINISTRATIVE CODE OF THE CITY OF
NEW YORK IN RELATION TO OCCUPANCY REQUIREMENTS FOR ONE TO TWO
FAMILY DWELLING UNITS DULY REGISTERED FOR SHORT TERM RENTALS**

Paragraph 4 of subdivision c of section 26-3102 of the administrative code of the city of New York is amended to read as follows:

4. The administering agency has determined that, in accordance with the records of the department of buildings, the department of housing preservation and development and the fire department, there are no uncorrected violations of the New York city construction codes, the housing maintenance code or the fire code that would endanger occupants of such dwelling unit, *except for violations that would not have been violations under the law by virtue of the amendments effected by local law [INSERT LOCAL LAW NUMBER] for the year 2024;*

Paragraph 4 of subdivision a of section 27-2004 of the administrative code of the city of New York 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 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 boarders, roomers or lodgers; or
- (c) Not more than three unrelated persons occupying a dwelling unit and maintaining a common household; or
- (d) Not more than three 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 boarders, roomers or lodgers; or
- (g) Up to seven 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 access to all parts of the dwelling unit. Lack of access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists.

Except that, for a private dwelling duly registered under section 26-3102, as added by local law number 18 for the year 2022, under the circumstances specified in subsection (c) (1) (i) of said section:

A family is:

(a) A single person owning and occupying a dwelling unit, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room that is designated for said single person's sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons or boarders, roomers or lodgers; or

(b) Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit, which is owned by, at least, one of said related persons, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room/s that is/are designated for said related persons' sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers; or

(c) Not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code occupying a dwelling unit and maintaining a common household, but not more than four of said compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers; or

(d) 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; occupying a dwelling unit, which is owned by, at least, one of said foster parents, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room/s that is/are designated for said foster children, foster parents, and persons related to said foster parents' sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers; and,

for a private dwelling duly registered under section 26-3102, as added by local law number 18 for the year 2022, under the circumstances specified in subsection (c) (1) (ii) of said section and

solely to the extent that the tenant referred to in said subsection has entered into a compliant lease agreement for the entire private dwelling:

A family is:

(a) A single person leasing and occupying a dwelling unit, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room that is designated for said single person's sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons or boarders, roomers or lodgers; or

(b) Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit, which is leased by, at least, one of said related persons, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room/s that is/are designated for said related persons' sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers; or

(c) Not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code occupying a dwelling unit and maintaining a common household, but not more than four of said compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers; or

(d) 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; occupying a dwelling unit, which is leased by, at least, one of said foster parents, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room/s that is/are designated for said foster children, foster parents, and persons related to said foster parents' sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers. For purposes of the aforesaid exceptions applicable to a private dwelling duly registered under section 26-3102, as added by local law number 18 for the year 2022, a common household is deemed to exist if every member of the family has access to all parts of the dwelling unit, except for the living rooms that is/are designated for other members' sleeping purposes. Lack of access to all parts of the dwelling unit, except for the above-mentioned exempted rooms, establishes a rebuttable presumption that no common household exists.

Subdivision c of section 27–2078 of the administrative code of the city of New York is amended to read as follows:

c. A family may rent one or more living rooms in a private dwelling to not more than two boarders, roomers or lodgers, except as otherwise prohibited under the zoning resolution of the city of New York.

Except that, for a private dwelling duly registered under section 26-3102, as added by local law number 18 for the year 2022, under the circumstances specified in subsection (c) (1) (i) of said section, or under the circumstances specified in subsection (c) (1) (ii) of said section solely to the extent that the tenant referred to in said subsection has entered into a compliant lease agreement for the entire private dwelling, a family may, except as otherwise prohibited under the zoning resolution of the city of New York, rent one or more living rooms to not more than two boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance codes, and the fire code, except for the living room/s that is/are designated for said family's sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible boarders, roomers or lodgers in a one family dwelling unit, and not more than seven of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible boarders, roomers or lodgers in a two family dwelling unit.

The definition of “FAMILY” under section 202 of subchapter 2 of chapter 7 of title 28 of the administrative code of the city of New York 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 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 boarders, roomers or lodgers;
3. Not more than three unrelated persons occupying a dwelling unit and maintaining a common household;
4. Not more than three 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 boarders, roomers or lodgers; or
7. Up to seven 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 members have access to all parts of the dwelling unit. Lack of access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists.

Except that, for one family dwelling units and two family dwelling units duly registered under section 26-3102, as added by local law number 18 for the year 2022, under the circumstances specified in subsection (c) (1) (i) of said section:

FAMILY.

1. A single person owning and occupying a dwelling unit and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room that is designated for said single person's sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers;

2. Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit, which is owned by, at least, one of said related persons, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room/s that is/are designated for said related persons' sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers;

3. Not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code occupying a dwelling unit and maintaining a common household, but not more than four of said compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers;

4. 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' occupying a dwelling unit, which is owned by, at least, one of said foster parents, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room/s that is/are designated for said foster children, foster parents, and persons related to said foster parents' sleeping purposes, but not more than three of said

available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers; and,

for one family dwelling units and two family dwelling units duly registered under section 26-3102, as added by local law number 18 for the year 2022, under the circumstances specified in subsection (c) (1) (ii) of said section and solely to the extent that the tenant referred to in said subsection has entered into a compliant lease agreement for the entire one family dwelling unit or two family dwelling unit:

FAMILY:

1. A single person leasing and occupying a dwelling unit and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room that is designated for said single person's sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers;

2. Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit, which is leased by, at least, one of said related persons, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room/s that is/are designated for said related persons' sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers;

3. Not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code occupying a dwelling unit and maintaining a common household, but not more than four of said compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers;

4. 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' occupying a dwelling unit, which is leased by, at least, one of said foster parents, and maintaining a common household with not more than two unrelated persons and/or boarders, roomers or lodgers per living room designated for sleeping purposes that is compliant with the New York city construction codes, the housing maintenance code, and the fire code, except for the living room/s that is/are designated for said foster children, foster parents, and persons related to said foster parents' sleeping purposes, but not more than three of said available and compliant living rooms designated for sleeping purposes shall be considered in determining the number of permissible unrelated persons and/or boarders, roomers or lodgers. For purposes of the aforesaid exceptions applicable to one family dwelling units and two family dwelling units duly registered under section 26-3102, as added by local law number 18 for the year 2022, a common household is deemed to exist if every member of the family has access to all parts of the dwelling unit, except for the living rooms that is/are designated for other

members' sleeping purposes. Lack of access to all parts of the dwelling unit, except for the above-mentioned exempted rooms, establishes a rebuttable presumption that no common household exists.