



NEW YORK STATE SENATOR

Liz Krueger

Statement on Appeals Board Decision in the Nigel Warren Short-Term Rental Case

LIZ KRUEGER October 1, 2013

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The following statement is attributable to State Senator Liz Krueger (D-Manhattan):

"The New York City ECB Appeals Board decision overturning fines levied against Airbnb host Nigel Warren's landlord is little more than the exception that proves the rule. The Appeals Board dismissed the fines because Mr. Warren's roommate, who was a permanent resident of the apartment, was present in the apartment during an Airbnb customer's stay. Situations like this one, where a permanent tenant remains living in a part of the home, were never the focus of the New York law against illegal hotels.

"Airbnb may have scored a PR victory with the success of this appeal, but that's all it is. The vast majority of Airbnb's business in New York City -- short-term rentals of apartments in residential buildings without any permanent residents present -- remains unambiguously illegal.

"In intervening to assist this one host in this one cherry-picked case, Airbnb wants to appear responsible and sympathetic. But the fact is, Airbnb and other companies with the same business model are putting New York City residents at risk by recruiting them to participate

in illegal transactions that could result in eviction from their homes.

"Illegal short-term rentals in multi-family residential buildings impose dangers and burdens on neighbors, building owners, and visitors alike, and they further exacerbate New York City's housing crisis. What's more, irrespective of state law or city codes, these short-term rentals are almost always illegal under the terms of residential leases and co-op or condo bylaws, and can result in eviction from one's home.

"Airbnb knows all this, but is continuing to put New York City tenants, co-op shareholders, and condo owners in the line of fire by recruiting them to feed its business model and participate in what is essentially a black market. Some may call that 'paradigm-breaking' or 'disruptive' – but ultimately, it's just irresponsible and greedy."

Sen. Liz Krueger (D-Manhattan) is the sponsor of a state law passed in 2010 that enabled New York City to enforce against illegal hotel activity, the illegal short-term rental of residential units in buildings classified as multiple dwellings.

Background:

- Samantha Shankman, Skift. [NYC Rules Airbnb Rentals Legal if at Least One Tenant Present.](#)
- Jason Clampet, Skift. [Airbnb's Growing Pains Mirrored in New York City, Where Half Its Listings Are Illegal Rentals.](#)