

THE SENATE  
STATE OF NEW YORK



**TONY AVELLA**  
SENATOR, 11TH DISTRICT

ASSISTANT CONFERENCE LEADER  
FOR POLICY AND ADMINISTRATION OF THE  
INDEPENDENT DEMOCRATIC CONFERENCE

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**CHAIR**

CHILDREN AND FAMILIES  
TASK FORCE ON THE  
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**COMMITTEES**

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LIBRARIES SELECT COMMITTEE

August 16, 2017

**BY FAX & MAIL**

Hon. Bill de Blasio  
Mayor  
City Hall  
New York, New York 10007

Hon. Rick D. Chandler, P.E.  
Commissioner  
Department of Buildings  
280 Broadway, 7<sup>th</sup> Floor  
New York, NY 10007

Dear Mayor de Blasio and Commissioner Chandler:

We, the undersigned community leaders, civic associations and State Senator Tony Avella, are contacting you regarding the proliferation of short-term rentals taking place in residentially zoned areas throughout Queens. Most of these short term rentals are promoted through the use of on line platforms such as Airbnb and HomeAway, amongst others.

We are very concerned about safety and quality of life issues presented by these “de facto” hotel operations in our communities. While the New York State Multiple Dwelling Law already prohibits such activity in properties that house three or more families, there are no such prohibitions for one and two family residential properties.

Short-term rentals present many challenges to our communities from a public safety perspective due to the constant flow of unknown guests in and out of these homes and from traffic congestion due to multiple guests utilizing these properties. There also appears to be very little oversight from the online platforms with respect to the safety of both their hosts and guests with the lack of recordkeeping, background checks or compliance with building codes affecting the physical safety of the homes being used in this manner.

We are requesting that the City enforce all applicable laws that prohibit this type of short-term rental of one and two family homes. We believe this includes specific provisions of the Administrative Code §27-2078 which state in part that “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”.

More importantly, we believe the New York City Zoning Resolution prohibits these type of short-term rentals in one and two family homes in residential zones. The Zoning Resolution is quite clear that the only types of commercial uses in residential zones are those allowed in "commercial overlays" or those allowed as "community facilities" and the use of a home for a short-term rental does not fall within any known definition of a community facility. The advertising of a home for a short-term rental on a platform such as Airbnb and the subsequent use of such a home in this manner certainly constitutes commercial activity. As a result, this activity is prohibited by the Zoning Resolution and such violations should be vigorously enforced by the City.

We would appreciate your response to our concerns.

Sincerely,

State Senator Tony Avella

Queens Civic Congress

Queens Community Board 7

Christine L. Haider CAP-OM, Chair, Community Board 11

Queens Colony Civic Association

Auburndale Improvement Association

Broadway Flushing Homeowners' Association

Bellerose Hillside Civic Association

Greater Whitestone Taxpayers and Civic Association

Holliswood Civic Association

Bellerose Commonwealth Civic Association

West Cunningham Civic Association

Lost Community Civic Association

Bowne Park Civic Association

Kissena Park Civic Association

College Point Civic and Taxpayers Association

Station Road Civic Association

Fresh Meadows Homeowners Civic Association, Inc.

Northwest Bayside Civic Association

Hillcrest Estate Civic Association

Creedmoor Civic Association