

# February 21, 2017

## Hotel Beacon NYC – Airbnb and Your Building Event

*“Airbnb is the shorthand for illegal short-term subletting.” – Julie Zuraw, Argo Real Estate COO*

The stakes have increased for illegal subletters in New York City. The state and city are now strictly enforcing the [Multiple Dwelling Law](#), which states that any short-term occupancy under 30 days, where the resident(s) is/are not present, is illegal. There are two exceptions. 1) A resident may have a guest for less than 30 consecutive days if the resident is not paid, ie; a family member or friend. 2) Resident may have a guest for less than 30 days and get paid if the resident is home while the guest is there.

Board members of co-ops and condos gathered for Argo University’s latest info-session Tuesday night to learn how to handle the controversial subletting situation that has shaken up New York City in the last few months.



*Pictured above (from left to right): Argo COO and Argo University event moderator Julie Zuraw, with Lindsay Garroway of Cohen, Hochman & Allen Law, Argo Property Manager Tarshia Champagne, and Itkowitz PLLC Attorney Michelle Maratto Itkowitz.*

The **real** problem is, this is no sudden situation. New Yorkers on proprietary leases have been subletting their apartments to transient visitors for the past several years, without board approval. Airbnb is partly responsible for this. They’ve advocated for New Yorkers to rent out their apartments – a partnership that has earned them millions of dollars annually.

This outrages the City of New York because hundreds of thousands of dollars in taxes are being lost. Furthermore, it raises safety and health concerns. What if a subletter assaults a resident in the building or causes damages? In most cases the Airbnb visitor is not liable.

How does the city find illegal subletters? The New York Mayor’s Task Force and HPD (Department of Housing Preservation and Development) are entitled to show up, without a warrant, to a building they suspect of conducting illegal short-term housing. Attorney Lindsay Galloway advises building residents, “Unless they come with a warrant, you don’t need to let them in.” Although a resident may be off the hook temporarily, the Task Force can always interrogate the visiting tourist and proceed with that information to prosecute the building.

The City can issue up to 10 different fines, none of which are cheap.

What’s unfortunate is that board members, in addition to the coop/condo, can be held accountable for these charges and fines. Several board members at Argo University’s event expressed frustration over the Airbnb trend, because they routinely interview their residents. As one board member stated, “If a resident were to approach me with a less than 30 day sublet situation first, I would tell them to let me interview and meet the guest.”

Today’s reality is that board members bear the responsibility of due diligence. Here are a few ways to proactively prevent illegal short-term housing from existing in your building:

- 1) Thoroughly check listings on sites such as TripAdvisor and Craigslist. You can also use software such as [SubletSpy](#) which scans these sites for you.
- 2) Install cameras in public common-areas in your building. Be wary of unfamiliar guests carrying luggage in and out of the same apartment.
- 3) Ensure that doormen and supers are familiar with the faces in your building. Never be afraid to confront your residents in the face of a situation where suspicious activity is noticed.

For more information on prevention, detection and remedies for landlords visit [itkowitz.com](http://itkowitz.com).

