

How Landlords Can Combat Transient Occupancies

FEATURED ATTORNEY



Anthony Genovesi

Partner



Frank V. Carone, Esq., Anthony Genovesi, Esq. & Joshua S. Stricoff, Esq.

2026 Update:

Since this article was originally published in 2017, New York City has significantly strengthened enforcement of illegal short-term rentals. In 2022, the city enacted **Local Law 18**, requiring hosts offering stays of fewer than 30 days to register with the Mayor's Office of Special Enforcement. Booking platforms may not process reservations for unregistered listings. Today, short-term rentals in most Class A multiple dwellings remain prohibited unless the permanent occupant is present and no more than two guests are

hosted at a time. Enforcement began in September 2023 and has substantially reduced unlawful transient occupancies, increasing compliance risks for landlords and property owners.

Landlords and property owners now have additional tools to combat unlawful transient occupancy, including building prohibition lists, enhanced city enforcement actions, and stricter penalties for illegal rentals.

Key Changes Since 2017

1. Local Law 18 (2022).

Requires registration of short-term rentals with NYC and prohibits platforms from processing bookings for unregistered listings. Enforced by the Mayor's Office of Special Enforcement since September 2023.

2. Entire-Apartment Rentals Largely Prohibited.

Short-term stays under 30 days are only permitted if the permanent occupant is present and no more than two guests are hosted.

3. Stronger Enforcement.

The City is actively issuing fines, pursuing legal action, and removing illegal listings.

4. Platform Liability.

Booking platforms cannot process reservations for unregistered properties, expanding enforcement beyond individual hosts.

Recently, the City of New York has been ramping up enforcement of its illegal transient occupancy laws. The City's enforcement efforts are aimed at curbing illegal occupancies stemming from websites such as Airbnb. Curiously, the City is not going after the illegal short-term occupant or the individual illegally renting out his or her apartment. Rather, the City is ticketing-and sometimes even suing-the landlord of the building in which the illegal transient occupancy is occurring. Illegal transient occupancies present an extraordinary legal and financial risk to landlords, especially out-of-possession landlords. Luckily, there are measures that landlords can take to protect themselves in the face of City enforcement efforts.

First of all, what is an illegal transient occupancy?

The law on illegal transient occupancies is rather counter-intuitive. The State legislature did not enact a law specifically banning illegal transient occupancies. Instead, the legislature amended the statute that provides the definition for Class-A Multiple Dwellings, which are residential buildings where there are three or more individual units for rent. The "Class-A" designation is memorialized in a Certificate of Occupancy. Therefore, as a threshold matter, landlords owning buildings with two or less units for rent are not subject to the City's enforcement efforts.

However, landlords owning buildings with three or more units for rent are subject to the enforcement efforts. Section 4.8.a. of the Multiple Dwelling Law restricts the use of Class-A Multiple Dwellings for only "permanent residence purposes." This consists of occupancy of an apartment or other dwelling unit by the same individual or family for thirty consecutive days.

Click [here](#) for the full client alert.

Frank V. Carone – fcarone@abramslaw.com

Anthony Genovesi – agenovesi@abramslaw.com

