

## **SEVEN TIPS FOR STOPPING A NEIGHBOR IN YOUR NYC APARTMENT BUILDING FROM DOING ILLEGAL SHORT-TERM RENTING**

**Updated: October 20, 2023**

This resource gives you some tips on what to do if you are bothered by a neighboring tenant engaging in illegal short-term renting (like Airbnb) in your NYC apartment building. This is not legal advice.

- (1) **Submit a complaint to the NYC Office of Special Enforcement.** This is the agency that has auspices over short term renting. <https://www.nyc.gov/site/speciaenforcement/index.page>
- (2) **Submit detailed written complaints to your landlord.** Be very specific about the dates and times that you see the activity and what exactly you see.

For example, do not be vague and say, “I think 2F is doing illegal short-term renting!”

Rather, say something like: *“On Tuesday, August 12 at 5:15 pm. I saw four people who I have never seen before with luggage fumbling with the keys to apartment 2F.”* Include in the complaint how you are bothered by the activity. For example: *“It compromises the security of the building to have strangers have access through the front door and to be wandering around the hallways...”*; or, *“There was loud music playing in 2F until 2:15 am on August 13, 2023. I made a 311 online complaint and here is my confirmation email.”*

Add in this line at the end of your complaint: *“I believe there are cameras in the building. For purposes of litigation, I urge Landlord to suspend any overwriting features on such cameras, and to preserve video evidence of the short-term rental engagement I described.”*

- (3) **If you can do so discretely and without causing confrontation, take a picture of people coming and going from the offending apartment**, that can be very helpful to share such photos with the landlord and the City.



- (4) **It is not recommended that you initiate contact with either the tenants engaged in illegal short-term renting or with the guests.** Confrontation in today's world can be very dangerous. And dealing with other tenants and their illegal guests is your landlord's job and the City's job, not yours. However, if a guest approaches you and asks you for something, like directions or information, be polite, and ask the guests some questions! Ask the guests which unit they are staying in and how long they will be here. It is unlikely that they will admit to short-term renting because many guests are educated by the hosts not to say anything compromising. But you never know, and this technique has worked in the past to document illegal short-term renting.
- (5) **If there are loud parties, make a noise complaint to 311**, via email so there is a paper trail. Follow up with a call to your precinct and be sure to mention that you suspect the source of the noise is illegal short-term renting. **If you observe something that you feel is an imminent danger to you or your neighbors, call 911.**
- (6) **One of the best ways to effectuate change in any building is to join or start a Tenant Association.** This suggestion is the one that takes the most work and requires the most commitment. But it is also the suggestion that can often be the most helpful. Organized buildings get the most attention from the powers-that-be.

If you are bothered by illegal short-term renting in your building, it is very likely that other people are as well. If you put up a sign in the lobby with your contact information, looking for like-minded people, it is very likely that people will get in touch with you, and you will realize that you are not alone, and that you are stronger together. Real Property Law § 230 protects tenants rights to form, join, or participate in tenants' groups, so the landlord cannot take your sign down. And Real Property Law § 223-b prevents retaliation by a landlord against a tenant for participating in a tenant associations.

- (7) **If you do have your neighbors organized, then it is appropriate for you to contact your local elected officials.** At this link you can find out who they are. <https://www.mygovnyc.org/>. This step is not recommended if you have not organized at least a few of your neighbors.