



Op-Ed

New York City Goes to War Against Airbnb

By Howard Husock

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The New York City Council is poised to make it yet more difficult for homeowners and apartment dwellers to rent rooms through Airbnb and other “short-term rental” services.

New regulation, unveiled last week, would establish a maze of red tape requirements for “hosts,” including the submission of a detailed diagram of one’s dwelling and a prohibition on allowing a renter to have “exclusive access to a separate room.”

Those are just two details in a 30-page document that would seemingly require any Airbnb host to lawyer up.

The City Council will hold a hearing on December 5 on the regulations—the bill to which they’re attached already passed last year—and they’re likely to become law early next year.

Airbnb has described them as “draconian.” The rules of Local Law 18 will be under the purview of a city agency with an ominous name: the Office of Special Enforcement.

It’s the latest salvo in a misguided war against a service that encourages efficient use of the city’s housing stock and allows New York residents of modest means to cope with escalating costs of all kinds.

What's more, the law reflects the desires of special interest rent-seekers—including hotel unions—looking to ward off competition and deprive visitors of affordable housing options.

Short-term rental apps may seem like a new idea. But they're best understood as a new version of an old one: taking in lodgers to help pay one's rent or mortgage. Doing so has been a time-honored part of city life, albeit one that had been declining.

A Census Bureau historical study found that, in 1930, there were some 3.8 million Americans classified as boarders or lodgers. As recently as 2000, 0.5 percent (or 1.5 million people) of the entire population were boarders. The Bureau counted only those living with families or single residents, not in rooming houses.

Those taking in lodgers were typically either married couples or single women—often widows, inferred to be under financial pressure. We should think of Airbnb as an app that has revived this historic approach.

Those with short-term work contracts have a way to find a cheap place to stay; those without a homey family environment. A proposed 30-day time limit on how long short-term rentals can last already works against such good uses.

Those who are unhappy about all this include economic competitors. Both the Hotel Association of New York, representing hotel owners, and the Hotel Trades Council, which represents hotel workers, support the anti-competitive measure. It's an obvious ploy designed to put upward price pressure on lodging.

The union is the same one resisting the conversion of empty older hotels into the "supportive housing" needed by the mentally ill threatening New Yorkers on streets and subways. It insists their members be hired by these residential treatment facilities—which would raise costs beyond the means of their developers.

This is not to say that there are not Airbnb hosts who abuse the system, renting to large groups who prove rowdy, disturbing other residents in an apartment building. But such behavior should be curtailed by police, acting on noise and disturbance complaints. It does not require rules which discourage any important housing innovation.

A City Council member from Manhattan, Ben Kallos, a sponsor of the short-term rental legislation, gives away the protectionist character of the law. Mr. Kallos says "Housing should be for New Yorkers. Hotels should be for tourists."

Short-term rentals, per Mr. Kallos, exacerbate the city's "affordable housing crisis." Exactly wrong. They help mitigate the pernicious effects of an already over-regulated market.



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