



BUILDINGS BULLETIN 2013-005

Technical

Supersedes: None

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Purpose: This document clarifies that hostel-type accommodations are considered to be illegal rooming units, pursuant to Section 27-2077 of the Housing Maintenance Code, except for certain grandfathered units and units operated by non-profit institutions and city agencies.

Related Code/Zoning Section(s):

HMC	27-2004	28 RCNY	25-51
HMC	27-2077	MDL 66	

Subject(s): Class B multiple dwelling, hostel; Housing Maintenance Code, rooming unit, hostel; Multiple dwelling law, lodging house, hostel; Hostel

For the purpose of this bulletin, a hostel-type accommodation is a Class B occupancy consisting of (i) the rental of sleeping spaces (beds) to two or more individuals in the same dwelling or sleeping unit on a transient basis, with rent charged or collected separately from each individual occupant of the dwelling unit, or (ii) any transient accommodation with common or shared bathing and/or toilet facilities.

The term "rooming unit" is defined in Section 27-2004(a)(15) of the Housing Maintenance Code. Hostel-type accommodations are considered by the department to come within the definition of rooming unit. After April 30, 1956 the creation of new rooming units was prohibited by Housing Maintenance Code Section 27-2077, subject to the exceptions contained therein for certain non-profit, institutional and government entities. Hostel-type accommodations for transients created before April 30, 1956 may continue to operate, subject to the "lodging house" requirements of Section 66 of the Multiple Dwelling Law, which prescribes standards for minimum spacing between beds, minimum aisle widths between rows of beds, exit stair standards, fire protection requirements, etc. Further standards are required pursuant to 28 RCNY § 25-51, Rules of the Department of Housing Preservation and Development.

Where for-profit facilities are operating as hostel-type accommodations contrary to the certificate of occupancy or departmental records, the Department may issue violations and/or take other actions as appropriate to the conditions.

A recent bill, Intro. 1004 of 2013, would authorize a new category of licensed hostels that would not be subject to Housing Maintenance Code Section 27-2077. Intro. 1004 of 2013 can be accessed here:

<http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1306219&GUID=C35188FE-7DAA-43A6-82C0-CB28F2E100B7&Options=ID|Text|&Search=hostel>

Unless and until such bill becomes a law, the creation of new hostel-type units by other than certain non-profit, institutional and government entities remains prohibited.