

# ‘Step In the Right Direction’ – Why NYC’s Latest Curb On Airbnb Is Welcome News For Landlords

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New York City's latest shot across the bow of home-sharing website Airbnb came last week when the city council passed a bill that will force it to hand over host listing data to authorities.

But one New York City attorney expects the new law will mean landlords won't be forced to fight against violations that tenants have incurred without their knowledge.

“This is step in the right direction [and] will help everyone,” Rosenberg & Estis attorney Michael Pensabene said, adding that he has defended several clients who have had issues with violations because of short-term rentals that their tenants have been operating.

In many cases, he said, landlords have been forced to fight tenants' violations purely to avoid the fine. In some cases, landlords were **reportedly fined** after reporting illegal listings in their own buildings.

“The landlord is coming up with defenses that, really, the tenant should be coming up with ... Normally [tenants] don't and they let the landlord clean up the mess,” he said. “Hopefully the city will now start cracking down on the parties that are doing Airbnb and work to find the true culpable parties ... It will also provide landlords and owners a tool, as well, to crack down on it.”

Under the new law, services like Airbnb and HomeAway would be forced to give the names and addresses of hosts to the city's Office of Special Enforcement each month. They would also need to tell the city if the listing is for just a room or an entire apartment. Failing to do so could result in fines of up to \$1,500 to the service, **the New York Times reports**, although it was originally expected to be \$25K.

The city's argument is that outfits like Airbnb are worsening the city's housing affordability crisis by driving up rents. A study released by Comptroller Scott Stringer's office in May found that **Airbnb cost New York City renters** \$616M in

2016 alone.

Airbnb has refuted the findings, arguing the methodology is deeply flawed and that the city is influenced by “powerful special interests.”

“After taking hundreds of thousands of dollars in campaign contributions from the hotel industry, we’re not surprised the City Council refused to meet with their own constituents who rely on home sharing to pay the bills and then voted to protect the profits of big hotels,” Airbnb spokesperson Liz DeBold Fusco said in a statement last week. “The fix was in from the start, and now New Yorkers will be subject to unchecked, aggressive harassment and privacy violations, rubber stamped by the City Council.”

Airbnb is bankrolling one host's lawsuit against the city, in which the plaintiff argues he was targeted because he spoke out in favor of Airbnb at a City Council hearing last month.

But Pensabene doesn't think challenges to the law will be successful.

“Tenants have to opt into this, [and] if you want to go into Airbnb and go into business, you should be required to disclose to the relevant authorities,” he said.

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