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Avoiding scams and illegal apartments: How to rent a short-term, furnished apartment in NYC



Don't get stuck wandering the city. Confirm that the apartment owner and the building permit short-term leases. iStock

Let's say that you live outside of New York City and need to come here for a short stay—for a teaching gig, to test out living here, or for something more serious, like medical treatment. Staying in a hotel, even an extended-stay hotel, may not be economically feasible. Let's also say you're wary of illegal listings and want to stay on the right side of the law when it comes to platforms like Airbnb.

There is a lot to know about New York City regulations surrounding short-term leases and what buildings here typically allow, and many red flags that can signal trouble ahead.

First, it's important to know that short-term listings are limited in New York City, where many apartments are co-ops, which do not permit short-term leases. Condo buildings cannot prohibit leasing, says CORE broker Elizabeth Kee, but they can require minimum

and maximum lease terms, so some condos may have rules against vacation rentals also. As a renter, you need to do some homework, Kee says.

"Confirm the apartment owner and the building (or the landlord) permits short-term leases, [or that] the tenant's lease permits subleasing," she says. "If permitted, often leases require the landlord's written approval in advance, not just the leaseholder's approval." Why is it important to go through so much work? What could go wrong you (innocently) ask? Real estate agent Joshua Arcus of Siderow Residential paints this scenario: "Imagine paying three months' up front to rent something, but two weeks in there is a lock on your door because the landlord found out that the person was illegally subletting their apartment."

"There are tons of scams out there for all of this," he adds. "The main thing is to ask questions, consider the answers, and make sure they make sense. And ask for proof of their rental agreement too, if you can."

Similarly, keep in mind that whole-apartment rentals of less than 30 days are illegal in New York City, so despite the availability of such apartments on Airbnb and similar sites, it's best to steer clear of them in favor of a hotel, or perhaps a spare room in an occupied apartment through a vacation-rental site. The alternative could be getting kicked out in the middle of your stay.

How to find a short-term rental

"Hire a licensed real estate agent who specializes in short-term rentals or use a reputable short-term rental agency (Furnished Quarters, One Fine Stay, leasebreak.com). They screen for buildings where the landlord permits short-term rentals. Often those terms are a minimum of six months. If you have time and are willing to do all of the legwork, look for short-term, furnished rentals by searching for 'corporate housing' or 'furnished apartments.' Some sites allow you to search by term of lease (such as three months or six months), so it is best to start with term and narrow your search (location, price, furnished or unfurnished) from there."—**Elizabeth Kee, CORE**

"This kind of specific need I think is where an agent or broker becomes a valuable resource. You can always search online, but many short-term rentals are not posted online. Instead the landlords that allow this kind of flexibility are known by agents and brokers."—**Marie Bromberg, Corcoran**

What sort of red flags should renters watch out for?

"Be careful about situations where you can't connect with the [owner] directly on the phone. I always want things to make sense, so if you don't believe there's a reasonable explanation of why this person is subletting or renting out a room, don't bother."—**Joshua Arcus, Siderow Residential**

"If renters are subleasing from a tenant who has a long-term lease, that over-tenant (sublessor) should be willing to show the short-term renter their lease with the landlord. It should expressly state in the lease that subleasing is permitted and the rules and regulations regarding subleasing. Chances are, if they won't show you the lease, it doesn't say they are permitted to sublease. Never lease an apartment without a written agreement signed by all parties."—**Elizabeth Kee**

How do owners screen tenants?

"The main concern for an owner who is renting out their apartment short-term is that you need to be careful because, once someone occupies an apartment for more than 30 days, they have some of the rights of a tenant, so you could end up with a squatter."—**Joshua Arcus**

"Owners should be aware of unreliable tenants that may not leave on time—or use the place for illegal purposes but mainly about the wear and tear of the place. Renters are usually less concerned about causing damage."—**Limor Nesher, CORE**

"Owners or over-tenants should screen short-term tenants with the same scrutiny as long-term tenants, even if they are paying the lease term in advance. They should also require a security deposit. Often short-term renters are approved with no deposit, no financial disclosure, no credit or background checks, and limited personal information. Evicting a tenant for nonpayment or a hold-over (staying beyond a lease term) can be costly, and tenant's rights are fiercely protected in New York City."—**Elizabeth Kee**

"If the renter does not have a credit score, sometimes it's because they're visiting from another country, but they should be able to produce advance rent and reference letters. In general, anyone who cannot produce a professional or landlord reference letter should be flagged."—**Marie Bromberg**

How long can I stay?

"Short terms are almost rare. Most buildings will not allow them. Most condos will allow six-month terms minimum, but some condos will agree to a one-month minimum."—**Limor Nesher**

"If the term is less than 90 days, the landlord (or over-tenant) may be considered a 'hotel operator,' and would be required to pay 5.85 percent hotel tax plus a daily hotel unit fee of \$1.50 to New York City. 'Room re-marketers' (such as internet travel sites like Airbnb, Home Away, VRBO) are required to pay hotel tax and the daily hotel unit fee."—**Elizabeth Kee**