

5039

2013-2014 Regular Sessions

I N S E N A T E

May 7, 2013

Introduced by Sen. GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the multiple dwelling law and the administrative code of the city of New York, in relation to clarifying certain provisions relating to occupancy of class A multiple dwellings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Paragraph a of subdivision 8 of section 4 of the multiple
2 dwelling law is amended by adding a new subparagraph 3 to read as
3 follows:
4 (3) IN A CLASS A MULTIPLE DWELLING, THE USE OF A SHORT-TERM RENTAL
5 UNIT FOR OCCUPANCY OF FEWER THAN THIRTY CONSECUTIVE DAYS SHALL NOT BE
6 INCONSISTENT WITH THE OCCUPANCY OF SUCH MULTIPLE DWELLING FOR PERMANENT
7 RESIDENCE PURPOSES IF:
8 (A) SUCH DWELLING UNIT DOES NOT PROVIDE SINGLE ROOM OCCUPANCY AS
9 DEFINED BY SUBDIVISION SIXTEEN OF THIS SECTION;
10 (B) SUCH DWELLING UNIT CONTAINS A BATHROOM AND A KITCHEN NOT SHARED
11 WITH ANOTHER UNIT;
12 (C) SUCH DWELLING UNIT PROVIDES FOR AN EVACUATION DIAGRAM IDENTIFYING
13 ALL MEANS OF EGRESS FROM THE SHORT-TERM RENTAL UNIT AND THE BUILDING IN
14 WHICH IT IS LOCATED. SUCH EVACUATION DIAGRAM SHALL BE POSTED IN A
15 CONSPICUOUS PLACE ON THE INSIDE ENTRANCE DOOR OF EACH SHORT-TERM RENTAL
16 UNIT;
17 (D) SUCH DWELLING UNIT CONTAINS WORKING SMOKE DETECTORS IN ACCORDANCE
18 WITH LOCAL FIRE CODE;
19 (E) SUCH DWELLING UNIT HAS SUFFICIENT FIRE, HAZARD, AND LIABILITY
20 INSURANCE TO COVER THOSE PERSONS USING THE UNIT FOR SUCH OCCUPANCY;
21 (F) ALL COMPENSATION RECEIVED FOR RENT, OR FOR HIRE, FOR SUCH DWELLING
22 UNIT, SHALL BE SUBJECT TO ALL APPROPRIATE TAXES AND FEES, INCLUDING, BUT
23 NOT LIMITED TO, TAXES AND FEES IMPOSED BY SECTIONS ELEVEN HUNDRED FOUR,

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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ELEVEN HUNDRED FIVE, ELEVEN HUNDRED SEVEN AND ELEVEN HUNDRED NINE OF THE TAX LAW, AND SECTION 11-702 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK; AND

(G) SUCH UNIT IS REGISTERED WITH THE CITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SEVEN-D OF THIS CHAPTER, UNLESS IT IS USED AS A SHORT-TERM RENTAL UNIT LESS THAN THIRTY DAYS PER CALENDAR YEAR.

(H) PROVIDED FURTHER THAT IN NON OWNER-OCCUPIED BUILDINGS, FIFTY PERCENT OR LESS OF THE TOTAL UNITS MAY BE REGISTERED AS SHORT-TERM RENTAL UNITS.

S 2. Section 4 of the multiple dwelling law is amended by adding a new subdivision 15-a to read as follows:

15-A. "SHORT-TERM RENTAL UNIT" IS A CLASS A MULTIPLE DWELLING UNIT THAT IS AVAILABLE FOR RENT, OR FOR HIRE, FOR LESS THAN THIRTY DAYS BY GUESTS.

S 3. The multiple dwelling law is amended by adding a new article 7-D to read as follows:

ARTICLE 7-D

SHORT-TERM RENTALS

SECTION 288. REGISTRATION REQUIRED.

289. REGISTRATION FEE.

290. VIOLATIONS.

291. REGULATIONS.

S 288. REGISTRATION REQUIRED. ANY INDIVIDUAL THAT OPERATES A SHORT-TERM RENTAL UNIT, AS DEFINED BY SUBDIVISION FIFTEEN-A OF SECTION FOUR OF THIS CHAPTER, MUST BE REGISTERED WITH THE DEPARTMENT. EACH UNIT OPERATED BY THE INDIVIDUAL SHALL HAVE A REGISTRATION IDENTIFICATION NUMBER. THE REGISTRATION SHALL INCLUDE THE LOCATION OF THE UNIT.

S 289. REGISTRATION FEE. THE REGISTRATION FEE SHALL BE FIVE HUNDRED DOLLARS PER UNIT, ALL OF WHICH SHALL BE DEDICATED TO THE DIVISION, UNIT OR SPECIAL TASK FORCE IN CHARGE OF ENFORCING THIS ARTICLE, AS DETERMINED BY THE DIVISION.

S 290. VIOLATIONS. WHEN THE USE OF A SHORT-TERM RENTAL UNIT IS DETERMINED TO NOT COMPLY WITH ANY REQUIREMENTS SET FORTH IN SUBPARAGRAPH THREE OF PARAGRAPH A OF SUBDIVISION EIGHT OF SECTION FOUR OF THIS ACT, THE INDIVIDUAL WHO REGISTERED THE UNIT AS REQUIRED BY THIS ARTICLE, SHALL BE IN VIOLATION OF THE REGISTRATION AND SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS. IF AN INDIVIDUAL COMMITS THREE VIOLATIONS IN A SINGLE UNIT, THE INDIVIDUAL'S REGISTRATION OF SUCH UNIT SHALL BE REVOKED PERMANENTLY. SUCH INDIVIDUAL SHALL BE AFFORDED THE OPPORTUNITY TO APPEAL SUCH REVOCATION IN ACCORDANCE WITH REGULATIONS AND PROCEDURES ADOPTED BY THE CITY.

S 291. REGULATIONS. THE DIVISION SHALL PROMULGATE REGULATIONS TO DEAL WITH THE REGISTRATION AND ENFORCEMENT OF SHORT-TERM RENTAL UNITS, INCLUDING INSPECTION AND AUDIT PROCEDURES CONCERNING ALL REGISTERED UNITS. SUCH REGULATIONS MAY ALSO CREATE A PUBLIC REGISTRY OF ALL SHORT-TERM RENTAL UNITS SO THAT THE PUBLIC IS AWARE OF THOSE UNITS IN GOOD STANDING.

S 4. Subparagraph (a) of paragraph 8 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new clause 3 to read as follows:

(3) IN A CLASS A MULTIPLE DWELLING, THE USE OF A SHORT-TERM RENTAL UNIT FOR OCCUPANCY OF FEWER THAN THIRTY CONSECUTIVE DAYS SHALL NOT BE INCONSISTENT WITH THE OCCUPANCY OF SUCH MULTIPLE DWELLING FOR PERMANENT RESIDENCE PURPOSES IF:

(A) SUCH DWELLING UNIT DOES NOT PROVIDE SINGLE ROOM OCCUPANCY AS DEFINED BY SUBDIVISION SIXTEEN OF THIS SECTION;

(B) SUCH DWELLING UNIT CONTAINS A BATHROOM AND A KITCHEN NOT SHARED WITH ANOTHER UNIT;

(C) SUCH DWELLING UNIT PROVIDES FOR AN EVACUATION DIAGRAM IDENTIFYING ALL MEANS OF EGRESS FROM THE SHORT-TERM RENTAL UNIT AND THE BUILDING IN WHICH IT IS LOCATED. SUCH EVACUATION DIAGRAM SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE INSIDE ENTRANCE DOOR OF EACH SHORT-TERM RENTAL UNIT;

(D) SUCH DWELLING UNIT CONTAINS WORKING SMOKE DETECTORS IN ACCORDANCE WITH LOCAL FIRE CODE;

(E) SUCH DWELLING UNIT HAS SUFFICIENT FIRE, HAZARD, AND LIABILITY INSURANCE TO COVER THOSE PERSONS USING THE UNIT FOR SUCH OCCUPANCY;

(F) ALL COMPENSATION RECEIVED FOR RENT, OR FOR HIRE, FOR SUCH DWELLING UNIT, SHALL BE SUBJECT TO ALL APPROPRIATE TAXES AND FEES, INCLUDING, BUT NOT LIMITED TO, TAXES AND FEES IMPOSED BY SECTIONS ELEVEN HUNDRED FOUR, ELEVEN HUNDRED FIVE, ELEVEN HUNDRED SEVEN AND ELEVEN HUNDRED NINE OF THE NEW YORK STATE TAX LAW, AND SECTION 11-702 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK; AND

(G) THE UNIT IS REGISTERED WITH THE CITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE TWO OF THIS SUBCHAPTER, UNLESS IT IS USED AS A SHORT-TERM RENTAL UNIT LESS THAN THIRTY DAYS PER CALENDAR YEAR.

(H) PROVIDED FURTHER THAT IN NON OWNER-OCCUPIED BUILDINGS, FIFTY PERCENT OR LESS OF THE TOTAL UNITS MAY BE REGISTERED AS SHORT-TERM RENTAL UNITS.

S 5. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 14-a to read as follows:

14-A. SHORT-TERM RENTAL UNIT IS A CLASS A MULTIPLE DWELLING UNIT THAT IS AVAILABLE FOR RENT, OR FOR HIRE, FOR LESS THAN THIRTY DAYS BY GUESTS.

S 6. Subchapter 1 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 2 to read as follows:

ARTICLE 2

SHORT-TERM RENTALS

SECTION 27-2004.1 REGISTRATION REQUIRED.

27-2004.2 REGISTRATION FEE.

27-2004.3 VIOLATIONS.

27-2004.4 REGULATIONS.

S 27-2004.1 REGISTRATION REQUIRED. ANY INDIVIDUAL THAT OPERATES A SHORT-TERM RENTAL UNIT, AS DEFINED BY PARAGRAPH FOURTEEN-A OF SUBDIVISION A OF SECTION 27-2004 OF THIS SUBCHAPTER, MUST BE REGISTERED WITH THE DEPARTMENT. EACH UNIT OPERATED BY THE INDIVIDUAL SHALL HAVE A REGISTRATION IDENTIFICATION NUMBER. THE REGISTRATION SHALL INCLUDE THE LOCATION OF THE UNIT.

S 27-2004.2 REGISTRATION FEE. THE REGISTRATION FEE SHALL BE FIVE HUNDRED DOLLARS PER UNIT, ALL OF WHICH SHALL BE DEDICATED TO THE DIVISION, UNIT OR SPECIAL TASK FORCE IN CHARGE OF ENFORCING THIS ARTICLE, AS DETERMINED BY THE DIVISION.

S 27-2004.3 VIOLATIONS. WHEN THE USE OF A SHORT-TERM RENTAL UNIT IS DETERMINED TO NOT COMPLY WITH ANY REQUIREMENTS SET FORTH IN CLAUSE THREE OF SUBPARAGRAPH (A) OF PARAGRAPH EIGHT OF SUBDIVISION A OF SECTION 27-2004 OF THIS CODE, THE INDIVIDUAL WHO REGISTERED THE UNIT AS REQUIRED BY THIS ARTICLE, SHALL BE IN VIOLATION OF THE REGISTRATION AND SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS. IF AN INDIVIDUAL COMMITS THREE VIOLATIONS IN A SINGLE UNIT, THE INDIVIDUAL'S REGISTRATION OF SUCH UNIT SHALL BE REVOKED PERMANENTLY. SUCH INDIVIDUAL SHALL BE AFFORDED THE OPPORTUNITY TO APPEAL

1 SUCH REVOCATION IN ACCORDANCE WITH REGULATIONS AND PROCEDURES ADOPTED BY
2 THE CITY.

3 S 27-2004.4 REGULATIONS. THE DIVISION SHALL PROMULGATE REGULATIONS TO
4 DEAL WITH THE REGISTRATION AND ENFORCEMENT OF SHORT-TERM RENTAL UNITS,
5 INCLUDING INSPECTION AND AUDIT PROCEDURES CONCERNING ALL REGISTERED
6 UNITS. SUCH REGULATIONS MAY ALSO CREATE A PUBLIC REGISTRY OF ALL SHORT-
7 TERM RENTAL UNITS SO THAT THE PUBLIC IS AWARE OF THOSE UNITS IN GOOD
8 STANDING.

9 S 7. This act shall take effect immediately.