

# STATE OF NEW YORK

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8065

2017-2018 Regular Sessions

## IN ASSEMBLY

May 25, 2017

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Introduced by M. of A. FAHY -- read once and referred to the Committee on Housing

AN ACT to amend the multiple residence law, in relation to prohibiting the short term rental of private dwellings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The multiple residence law is amended by adding a new  
2 section 14 to read as follows:

3 § 14. Prohibited rental. 1. A private dwelling or apartment shall only  
4 be used for permanent residence purposes. For the purposes of this  
5 subdivision, "permanent residence purposes" shall consist of occupancy  
6 of a dwelling unit by the same natural person or family for thirty  
7 consecutive days or more, and a person or family so occupying a dwelling  
8 unit shall be referred to in this subdivision as the permanent occupants  
9 of such dwelling unit. The following uses of a dwelling unit by the  
10 permanent occupants thereof shall not be deemed to be inconsistent with  
11 the occupancy of such dwelling unit for permanent residence purposes:

12 (a) occupancy of such dwelling unit for fewer than thirty consecutive  
13 days by other natural persons living within the household of the perma-  
14 nent occupants, such as house guests, or lawful boarders, roomers or  
15 lodgers; or

16 (b) incidental and occasional occupancy of such dwelling unit for  
17 fewer than thirty consecutive days by other natural persons when the  
18 permanent occupants are temporarily absent for personal reasons, such as  
19 vacation or medical treatment, provided that there is no monetary  
20 compensation paid to the permanent occupants for such occupancy; or

21 (c) to any individual or owner who rents out their private dwelling or  
22 apartment for fewer than thirty consecutive days who earns no more than  
23 twenty-five hundred dollars per annum in total for all such applicable  
24 rental periods.

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

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1 2. (a) Notwithstanding the provisions of any other law to the contra-  
2 ry, the application of this section shall not apply to any of the  
3 following:

4 i. a private dwelling or apartment whose permanent resident, family  
5 member, or owner remains in the private dwelling or apartment for the  
6 duration of any rental period, provided however, that such private  
7 dwelling or apartment is in compliance with the standards set forth in  
8 the law for bed and breakfast establishments; or

9 ii. for any rental period lasting less than thirty consecutive days,  
10 provided that a permanent resident, family member, or owner can show  
11 proof of a licensed real estate rental agreement or contract, or  
12 documentation showing proper reporting of tax collections from such  
13 rentals, and the necessary insurance to show proper liability coverage  
14 during such rental periods.

15 (b) For purposes of this section proper reporting of tax collections  
16 shall include applicable state and local occupancy and sales taxes.

17 3. Notwithstanding the provisions of any other law to the contrary,  
18 anyone found in violation of the provisions of this section shall be  
19 subject to a civil penalty of not less than one thousand dollars nor  
20 more than twenty-five thousand dollars for each violation. In addition  
21 to such civil penalty, a separate additional penalty may be imposed of  
22 not more than one thousand dollars for each day that the violation is  
23 not corrected.

24 § 2. This act shall take effect January 1, 2018; provided, however,  
25 that this act shall only apply to a governing body of any county not  
26 wholly included within a city, a city with a population of less than one  
27 million, or a town or village which enacts a local law to adhere to the  
28 provisions of this act.