

STATE OF NEW YORK

101

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. L. ROSENTHAL, DINOWITZ, GLICK, SEAWRIGHT, CARROLL, WALKER, HEVESI, DAVILA, COLTON, BICHOTTE HERMELYN, JEAN-PIERRE, BRAUNSTEIN, WEPRIN -- Multi-Sponsored by -- M. of A. EPSTEIN, RAMOS -- read once and referred to the Committee on Housing

AN ACT to amend the multiple dwelling law and the administrative code of the city of New York, in relation to requiring advertisements for certain accommodations to be submitted to the designated enforcement agency

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

Section 1. The multiple dwelling law is amended by adding a new section 15 to read as follows:

§ 15. Advertisements for the use of dwelling units; required disclosures. 1. a. Any online platform offering advertisement for accommodation in a New York dwelling for a period fewer than thirty consecutive days shall include in its terms of service a clause requiring all users of any online platform to consent to the disclosure of information listed in this section to the department. Any online platform offering advertisement for accommodation in a dwelling for a period of fewer than thirty consecutive days shall submit the following information to the department before such advertisement is permitted to be listed on such platform:

(i) the exact physical address of the dwelling, including the street name, street number, apartment number, borough, town and county;

(ii) the full legal name of the person offering accommodation in such dwelling;

(iii) contact information including phone number and email address for the local host or co-host for such dwelling;

(iv) the category of the dwelling as either a private dwelling as defined in subdivision six of section four of this chapter, class A

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

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1 multiple dwelling as defined in subdivision eight of section four of
2 this chapter or class B multiple dwelling as defined in subdivision nine
3 of section four of this chapter;

4 (v) whether the dwelling is covered by a rent control, rent stabiliza-
5 tion or affordable housing program and if so, the name of such program;

6 (vi) whether the entire dwelling or just a portion of such dwelling is
7 made available under the listing being advertised; and

8 (vii) whether the dwelling is the primary residence of the host.

9 b. The manner of the submissions required by paragraph a of this
10 subdivision shall be determined by the department.

11 2. Any person found to have violated the provisions of subdivision one
12 of this section shall be liable for a civil penalty of not more than one
13 thousand dollars for the first violation, five thousand dollars for the
14 second violation and seven thousand five hundred dollars for the third
15 and subsequent violations.

16 3. For the purposes of this section, the term "advertisement" shall
17 mean any form of communication for marketing that is used to encourage,
18 persuade or manipulate viewers, readers or listeners into contracting
19 for goods and/or services as may be viewed through various media includ-
20 ing, but not limited to, newspapers, magazines, fliers, handbills, tele-
21 vision commercials, radio, signage, direct mail, websites or text
22 messages.

23 4. Notwithstanding the provisions of section three hundred three of
24 this chapter, in a city with a population of one million or more the
25 provisions of this section shall be enforced by the mayor's office of
26 special enforcement.

27 5. This section shall not apply to advertisements or offers for occu-
28 pancy of such dwelling unit for fewer than thirty consecutive days by
29 other natural persons living within the household of the permanent occu-
30 pant such as house guests or lawful boarders, roomers or lodgers or
31 incidental and occasional occupancy of such dwelling unit for fewer than
32 thirty consecutive days by other natural persons when the permanent
33 occupants are temporarily absent for personal reasons such as vacation
34 or medical treatment, provided that there is no monetary compensation
35 paid to the permanent occupants for such occupancy.

36 § 2. Subchapter 3 of chapter 1 of title 27 of the administrative code
37 of the city of New York is amended by adding a new article 19 to read as
38 follows:

39 **ARTICLE 19**
40 **ADVERTISEMENTS FOR CERTAIN**
41 **ACCOMMODATIONS**

42 § 27-287.5 Advertisements for certain accommodations. 1. a. Any
43 online platform offering advertisement for accommodation in a New York
44 dwelling for a period fewer than thirty consecutive days shall include
45 in its terms of service a clause requiring all users of any online plat-
46 form to consent to the disclosure of information to the mayor's office
47 of special enforcement. Any online platform offering advertisement for
48 accommodation in a dwelling for a period of fewer than thirty consec-
49 utive days shall submit the following information to the office before
50 such advertisement is permitted to be listed on such platform:

51 (i) the exact physical address of the dwelling, including the street
52 name, street number, apartment number, borough, town and county;

53 (ii) the full legal name of the person offering accommodation in such
54 dwelling;

55 (iii) contact information including phone number and email address for
56 the local host or co-host for such dwelling;

1 (iv) the category of the dwelling as either a private dwelling as
2 defined in subdivision six of section four of the multiple dwelling law,
3 class A multiple dwelling as defined in subdivision eight of section
4 four of the multiple dwelling law or class B multiple dwelling as
5 defined in subdivision nine of section four of the multiple dwelling
6 law;

7 (v) whether the dwelling is covered by a rent control, rent stabiliza-
8 tion or affordable housing program and if so, the name of such program;

9 (vi) whether the entire dwelling or just a portion of such dwelling is
10 made available under the listing being advertised; and

11 (vii) whether the dwelling is the primary residence of the host.

12 b. The manner of the submissions required by paragraph a of this
13 subdivision shall be determined by the mayor's office of special
14 enforcement.

15 2. This section shall not apply to advertisements or offers for occu-
16 pancy of such dwelling unit for fewer than thirty consecutive days by
17 other natural persons living within the household of the permanent occu-
18 pant such as house guests or lawful boarders, roomers or lodgers or
19 incidental and occasional occupancy of such dwelling unit for fewer than
20 thirty consecutive days by other natural persons when the permanent
21 occupants are temporarily absent for personal reasons such as vacation
22 or medical treatment, provided that there is no monetary compensation
23 paid to the permanent occupants for such occupancy.

24 § 3. This act shall take effect on the sixtieth day after it shall
25 have become a law. Effective immediately, the addition, amendment and/or
26 repeal of any rule or regulation necessary for the implementation of
27 this act on its effective date are authorized to be made and completed
28 on or before such effective date.