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I N S E N A T E

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Introduced by Sens. GOLDEN, GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Housing, Construction and Community Development in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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;
11 (C) SUCH DWELLING UNIT PROVIDES FOR AN EVACUATION DIAGRAM IDENTIFYING
12 ALL MEANS OF EGRESS FROM THE VACATION RENTAL UNIT AND THE BUILDING IN
13 WHICH IT IS LOCATED. SUCH EVACUATION DIAGRAM SHALL BE POSTED IN A
14 CONSPICUOUS PLACE ON THE INSIDE ENTRANCE DOOR OF EACH VACATION RENTAL
15 UNIT;
16 (D) SUCH DWELLING UNIT CONTAINS WORKING SMOKE DETECTORS LOCATED IN
17 EACH ROOM OF THE UNIT;

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

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(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 1104, 1105, 1107 AND 1109 OF THE TAX LAW, AND SECTION 11-702 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK;

(G) SUCH DWELLING UNIT IS NOT CURRENTLY SUBJECT TO RENT CONTROL UNDER CHAPTER THREE OF TITLE TWENTY-SIX OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR RENT STABILIZATION UNDER CHAPTER FOUR OF TITLE TWENTY-SIX OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, NOR DOES THE OWNER OF THE CLASS A MULTIPLE DWELLING BUILDING IN WHICH THE UNIT IS LOCATED, RECEIVE A TAX EXEMPTION, CREDIT, REDUCTION OR REFUND PURSUANT TO A PUBLIC HOUSING OR AFFORDABLE HOUSING; AND

(H) THE OWNER OR LEASEHOLDER OF SUCH DWELLING UNIT IS REGISTERED WITH THE CITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE SEVEN-D OF THIS CHAPTER EXCEPT WHERE SUCH UNIT IS PROVIDED AS A SHORT-TERM RENTAL FOR LESS THAN THIRTY DAYS PER CALENDAR YEAR. SEPARATE REGISTRATION IS REQUIRED FOR EACH BUILDING THAT SUCH OWNER OR LEASEHOLDER USES AS A SHORT-TERM RENTAL.

PROVIDED FURTHER THAT IN CLASS A MULTIPLE DWELLINGS:

(I) WITH FIVE TO TEN UNITS, NO MORE THAN FIFTY PERCENT MAY BE REGISTERED AS SHORT-TERM RENTAL UNITS;

(II) WITH ELEVEN TO TWENTY UNITS, NO MORE THAN FORTY-NINE PERCENT MAY BE REGISTERED AS SHORT-TERM RENTAL UNITS; AND

(III) WITH MORE THAN TWENTY UNITS, NO MORE THAN TEN PERCENT 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. STANDARD OF OPERATION.

291. VIOLATIONS.

S 288. REGISTRATION REQUIRED. ANY INDIVIDUAL THAT OWNS OR LEASES A SHORT-TERM RENTAL UNIT, AS DEFINED BY SUBDIVISION FIFTEEN-A OF SECTION FOUR OF THIS CHAPTER, AND RENTS SUCH UNIT OUT TO GUESTS FOR FEWER THAN THIRTY CONSECUTIVE DAYS MUST REGISTER WITH THE CITY FOR EVERY BUILDING WHEREIN THE INDIVIDUAL HAS A SHORT-TERM RENTAL UNIT OR UNITS LOCATED. THE REGISTRATION SHALL INCLUDE THE LOCATION OF THE VACATION RENTAL UNIT, THE TOTAL NUMBER OF SLEEPING ROOMS AND THE NAME AND ADDRESS OF A LOCAL CONTACT PERSON.

S 289. REGISTRATION FEE. THE REGISTRATION FEE SHALL BE TWO HUNDRED DOLLARS.

S 290. STANDARD OF OPERATION. EACH REGISTRATION SHALL CONTAIN AN ATTESTATION THAT THE INDIVIDUAL WILL COMPLY WITH A STANDARD OF OPERATION THAT INCLUDES:

1. GUEST REGISTRATION RECORDS FOR EACH UNIT MUST BE MAINTAINED, WHICH CONTAIN THE FOLLOWING INFORMATION ABOUT EACH GUEST: THE GUEST'S NAME,

1 ADDRESS, AND DATES OF ACCOMMODATION. THE REGISTRATION RECORDS SHALL BE
2 KEPT ON FILE FOR THREE YEARS AND MADE AVAILABLE FOR INSPECTION.

3 2. NO ILLEGAL ACTIVITY OR PUBLIC NUISANCE SHALL BE ALLOWED TO TAKE
4 PLACE IN THE UNIT.

5 3. THE MAXIMUM NUMBER OF GUESTS IN A UNIT SHALL BE NO MORE THAN ONE
6 PERSON PER ONE HUNDRED SQUARE FEET OF FLOOR AREA. THE OCCUPANCY LIMITA-
7 TIONS SET FORTH IN THIS SUBDIVISION ARE ABSOLUTE MAXIMUMS, AND THE ACTU-
8 AL ALLOWED CAPACITY SHALL BE BASED ON THE APPLICABLE PROVISIONS OF THE
9 BUILDING CODE. NOTICE OF THESE REQUIREMENTS SHALL BE PROVIDED TO ALL
10 GUESTS.

11 4. THE UNIT SHALL BE CLEANED AND SANITIZED BETWEEN GUESTS AND ALL
12 FOOD, BEVERAGES AND ALCOHOL SHALL BE THROWN OUT. ALL DISHES, UTENSILS,
13 POTS, PANS AND OTHER COOKING UTENSILS SHALL BE CLEANED AND SANITIZED
14 BETWEEN GUESTS.

15 5. THE NAME AND PHONE NUMBER OF A LOCAL CONTACT PERSON AND PROOF OF
16 REGISTRATION SHALL BE POSTED IN A CONSPICUOUS PLACE NEAR THE ENTRANCE OF
17 THE UNIT.

18 6. WHERE A SHORT-TERM RENTAL UNIT HAS HAD AT LEAST TWO SUBSTANTIATED
19 COMPLAINTS ISSUED ON IT WHICH LED TO A FINDING OF AT LEAST TWO
20 VIOLATIONS OF THIS ARTICLE OR ARTICLE FOUR OF THIS CHAPTER, REGISTRATION
21 OF THE UNIT, AND ANY OTHER SHORT-TERM RENTAL UNITS REGISTERED BY THE
22 INDIVIDUAL IN THE SAME BUILDING, SHALL BE REVOKED.

23 S 291. VIOLATIONS. 1. ANY INDIVIDUAL WHO IS FOUND BY THE DEPARTMENT TO
24 HAVE VIOLATED ANY REQUIREMENTS OF CLAUSE THREE OF PARAGRAPH A OF SUBDI-
25 VISION EIGHT OF SECTION FOUR OF THIS CHAPTER WITH RESPECT TO USE AND
26 OPERATION OF A SHORT-TERM RENTAL UNIT, SHALL BE SUBJECT TO A FINE OF NOT
27 LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS.

28 2. ANY INDIVIDUAL THAT OPERATES WITHOUT REGISTERING AS REQUIRED BY
29 THIS ARTICLE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND
30 DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS.

31 3. ANY INDIVIDUAL WHO MAKES ANY FALSE, MISLEADING OR FRAUDULENT STATE-
32 MENT OR MISREPRESENTS ANY FACT ON THE REGISTRATION, OR USES ANY SCHEME
33 FOR THE PURPOSE OF EVADING ANY PROVISION OF THIS ARTICLE, SHALL BE
34 SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE
35 THAN TWO THOUSAND DOLLARS.

36 S 4. Subparagraph (a) of paragraph 8 of subdivision a of section
37 27-2004 of the administrative code of the city of New York is amended by
38 adding a new clause 3 to read as follows:

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

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

45 (B) SUCH DWELLING UNIT CONTAINS A BATHROOM AND A KITCHEN;

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

51 (D) SUCH DWELLING UNIT CONTAINS WORKING SMOKE DETECTORS LOCATED IN
52 EACH ROOM OF THE UNIT;

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

55 (F) ALL COMPENSATION RECEIVED FOR RENT, OR FOR HIRE, FOR SUCH DWELLING
56 UNIT, SHALL BE SUBJECT TO ALL APPROPRIATE TAXES AND FEES, INCLUDING, BUT

NOT LIMITED TO, TAXES AND FEES IMPOSED BY SECTIONS 1104, 1105, 1107, 1109 OF PART TWO OF ARTICLE TWENTY-EIGHT OF THE TAX LAW, AND SECTION 11-702 OF CHAPTER SEVEN OF TITLE ELEVEN OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK;

(G) SUCH DWELLING UNIT IS NOT CURRENTLY SUBJECT TO RENT CONTROL UNDER CHAPTER THREE OF TITLE TWENTY-SIX OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK OR RENT STABILIZATION UNDER CHAPTER FOUR OF TITLE TWENTY-SIX OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, NOR DOES THE OWNER OF THE CLASS A MULTIPLE DWELLING BUILDING IN WHICH THE UNIT IS LOCATED, RECEIVE A TAX EXEMPTION, CREDIT, REDUCTION OR REFUND PURSUANT TO A PUBLIC HOUSING OR AFFORDABLE HOUSING; AND

(H) THE OWNER OR LEASEHOLDER OF SUCH DWELLING UNIT IS REGISTERED WITH THE CITY IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE TWO OF THIS SUBCHAPTER EXCEPT WHERE SUCH UNIT IS PROVIDED AS A SHORT-TERM RENTAL FOR LESS THAN THIRTY DAYS PER CALENDAR YEAR. SEPARATE REGISTRATION IS REQUIRED FOR EACH BUILDING THAT SUCH OWNER OR LEASEHOLDER USES AS A SHORT-TERM RENTAL.

PROVIDED FURTHER THAT IN CLASS A MULTIPLE DWELLINGS:

(I) WITH FIVE TO TEN UNITS, NO MORE THAN FIFTY PERCENT MAY BE REGISTERED AS SHORT-TERM RENTAL UNITS;

(II) WITH ELEVEN TO TWENTY UNITS, NO MORE THAN FORTY-NINE PERCENT MAY BE REGISTERED AS SHORT-TERM RENTAL UNITS; AND

(III) WITH MORE THAN TWENTY UNITS, NO MORE THAN TEN PERCENT 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 STANDARD OF OPERATION.

27-2004.4 VIOLATIONS.

S 27-2004.1 REGISTRATION REQUIRED. ANY INDIVIDUAL THAT OWNS OR LEASES A SHORT-TERM RENTAL UNIT, AS DEFINED BY PARAGRAPH FOURTEEN-A OF SUBDIVISION A OF SECTION 27-2004 OF THIS SUBCHAPTER, AND RENTS SUCH UNIT OUT TO GUESTS FOR FEWER THAN THIRTY CONSECUTIVE DAYS MUST REGISTER WITH THE CITY FOR EVERY BUILDING WHEREIN THE INDIVIDUAL HAS A SHORT-TERM RENTAL UNIT OR UNITS LOCATED. THE REGISTRATION SHALL INCLUDE THE LOCATION OF THE VACATION RENTAL UNIT, THE TOTAL NUMBER OF SLEEPING ROOMS AND THE NAME AND ADDRESS OF A LOCAL CONTACT PERSON.

S 27-2004.2 REGISTRATION FEE. THE REGISTRATION FEE SHALL BE TWO HUNDRED DOLLARS.

S 27-2004.3 STANDARD OF OPERATION. EACH REGISTRATION SHALL CONTAIN AN ATTESTATION THAT THE INDIVIDUAL WILL COMPLY WITH A STANDARD OF OPERATION THAT INCLUDES:

1. GUEST REGISTRATION RECORDS FOR EACH UNIT MUST BE MAINTAINED, WHICH CONTAIN THE FOLLOWING INFORMATION ABOUT EACH GUEST: THE GUEST'S NAME, ADDRESS, AND DATES OF ACCOMMODATION. THE REGISTRATION RECORDS SHALL BE KEPT ON FILE FOR THREE YEARS AND MADE AVAILABLE FOR INSPECTION.

1 2. NO ILLEGAL ACTIVITY OR PUBLIC NUISANCE SHALL BE ALLOWED TO TAKE
2 PLACE IN THE UNIT.

3 3. THE MAXIMUM NUMBER OF GUESTS IN A UNIT SHALL BE NO MORE THAN ONE
4 PERSON PER ONE HUNDRED SQUARE FEET OF FLOOR AREA. THE OCCUPANCY LIMITA-
5 TIONS SET FORTH IN THIS SUBDIVISION ARE ABSOLUTE MAXIMUMS, AND THE ACTU-
6 AL ALLOWED CAPACITY SHALL BE BASED ON THE APPLICABLE PROVISIONS OF THE
7 BUILDING CODE. NOTICE OF THESE REQUIREMENTS SHALL BE PROVIDED TO ALL
8 GUESTS.

9 4. THE UNIT SHALL BE CLEANED AND SANITIZED BETWEEN GUESTS AND ALL
10 FOOD, BEVERAGES AND ALCOHOL SHALL BE THROWN OUT. ALL DISHES, UTENSILS,
11 POTS, PANS AND OTHER COOKING UTENSILS SHALL BE CLEANED AND SANITIZED
12 BETWEEN GUESTS.

13 5. THE NAME AND PHONE NUMBER OF A LOCAL CONTACT PERSON AND PROOF OF
14 REGISTRATION SHALL BE POSTED IN A CONSPICUOUS PLACE NEAR THE ENTRANCE OF
15 THE UNIT.

16 6. WHERE A SHORT-TERM RENTAL UNIT HAS HAD AT LEAST TWO SUBSTANTIATED
17 COMPLAINTS ISSUED ON IT WHICH LED TO A FINDING OF AT LEAST TWO
18 VIOLATIONS OF THIS ARTICLE OR ARTICLE FOUR OF THE MULTIPLE DWELLING LAW,
19 REGISTRATION OF THE UNIT, AND ANY OTHER SHORT-TERM RENTAL UNITS REGIS-
20 TERED BY THE INDIVIDUAL IN THE SAME BUILDING, SHALL BE REVOKED.

21 S 27-2004.4 VIOLATIONS. 1. ANY INDIVIDUAL WHO IS FOUND BY THE DEPART-
22 MENT TO HAVE VIOLATED ANY REQUIREMENTS OF CLAUSE THREE OF SUBPARAGRAPH
23 (A) OF PARAGRAPH EIGHT OF SUBDIVISION A OF SECTION 27-2004 OF THIS CHAP-
24 TER WITH RESPECT TO USE AND OPERATION OF A SHORT-TERM RENTAL UNIT, SHALL
25 BE SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE
26 THAN TWO THOUSAND DOLLARS.

27 2. ANY INDIVIDUAL THAT OPERATES WITHOUT REGISTERING AS REQUIRED BY
28 THIS ARTICLE SHALL BE SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND
29 DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS.

30 3. ANY INDIVIDUAL WHO MAKES ANY FALSE, MISLEADING OR FRAUDULENT STATE-
31 MENT OR MISREPRESENTS ANY FACT ON THE REGISTRATION, OR USES ANY SCHEME
32 FOR THE PURPOSE OF EVADING ANY PROVISION OF THIS ARTICLE, SHALL BE
33 SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE
34 THAN TWO THOUSAND DOLLARS.

35 S 7. This act shall take effect immediately.