

10483

I N A S S E M B L Y

May 29, 2012

Introduced by M. of A. BROOK-KRASNY -- 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 clarifying certain provisions
relating to occupancy of class A multiple dwellings

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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;
18 (E) SUCH DWELLING UNIT HAS SUFFICIENT FIRE, HAZARD, AND LIABILITY
19 INSURANCE TO COVER THOSE PERSONS USING THE UNIT FOR SUCH OCCUPANCY;
20 (F) ALL COMPENSATION RECEIVED FOR RENT, OR FOR HIRE, FOR SUCH DWELLING
21 UNIT, SHALL BE SUBJECT TO ALL APPROPRIATE TAXES AND FEES, INCLUDING, BUT
22 NOT LIMITED TO, TAXES AND FEES IMPOSED BY SECTIONS 1104, 1105, 1107 AND
23 1109 OF THE TAX LAW, AND SECTION 11-702 OF THE ADMINISTRATIVE CODE OF
24 THE CITY OF NEW YORK;
25 (G) SUCH DWELLING UNIT IS NOT CURRENTLY SUBJECT TO RENT CONTROL UNDER
26 CHAPTER THREE OF TITLE TWENTY-SIX OF THE ADMINISTRATIVE CODE OF THE CITY
27 OF NEW YORK OR RENT STABILIZATION UNDER CHAPTER FOUR OF TITLE TWENTY-SIX

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

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1 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, NOR DOES THE OWNER
2 OF THE CLASS A MULTIPLE DWELLING BUILDING IN WHICH THE UNIT IS LOCATED,
3 RECEIVE A TAX EXEMPTION, CREDIT, REDUCTION OR REFUND PURSUANT TO A
4 PUBLIC HOUSING OR AFFORDABLE HOUSING; AND

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

11 PROVIDED FURTHER THAT IN CLASS A MULTIPLE DWELLINGS:

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

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

16 (III) WITH MORE THAN TWENTY UNITS, NO MORE THAN TEN PERCENT MAY BE
17 REGISTERED AS SHORT-TERM RENTAL UNITS.

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

20 15-A. "SHORT-TERM RENTAL UNIT" IS A CLASS A MULTIPLE DWELLING UNIT
21 THAT IS AVAILABLE FOR RENT, OR FOR HIRE, FOR LESS THAN THIRTY DAYS BY
22 GUESTS.

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

25 ARTICLE 7-D

26 SHORT-TERM RENTALS

27 SECTION 288. REGISTRATION REQUIRED.

28 289. REGISTRATION FEE.

29 290. STANDARD OF OPERATION.

30 291. VIOLATIONS.

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

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

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

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

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

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

1 4. THE UNIT SHALL BE CLEANED AND SANITIZED BETWEEN GUESTS AND ALL
2 FOOD, BEVERAGES AND ALCOHOL SHALL BE THROWN OUT. ALL DISHES, UTENSILS,
3 POTS, PANS AND OTHER COOKING UTENSILS SHALL BE CLEANED AND SANITIZED
4 BETWEEN GUESTS.

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

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

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

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

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

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

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

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

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

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

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

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

45 (F) ALL COMPENSATION RECEIVED FOR RENT, OR FOR HIRE, FOR SUCH DWELLING
46 UNIT, SHALL BE SUBJECT TO ALL APPROPRIATE TAXES AND FEES, INCLUDING, BUT
47 NOT LIMITED TO, TAXES AND FEES IMPOSED BY SECTIONS 1104, 1105, 1107,
48 1109 OF PART TWO OF ARTICLE TWENTY-EIGHT OF THE TAX LAW, AND SECTION
49 11-702 OF CHAPTER SEVEN OF TITLE ELEVEN OF THE ADMINISTRATIVE CODE OF
50 THE CITY OF NEW YORK;

51 (G) SUCH DWELLING UNIT IS NOT CURRENTLY SUBJECT TO RENT CONTROL UNDER
52 CHAPTER THREE OF TITLE TWENTY-SIX OF THE ADMINISTRATIVE CODE OF THE CITY
53 OF NEW YORK OR RENT STABILIZATION UNDER CHAPTER FOUR OF TITLE TWENTY-SIX
54 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, NOR DOES THE OWNER
55 OF THE CLASS A MULTIPLE DWELLING BUILDING IN WHICH THE UNIT IS LOCATED,

1 RECEIVE A TAX EXEMPTION, CREDIT, REDUCTION OR REFUND PURSUANT TO A
2 PUBLIC HOUSING OR AFFORDABLE HOUSING; AND

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

9 PROVIDED FURTHER THAT IN CLASS A MULTIPLE DWELLINGS:

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

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

14 (III) WITH MORE THAN TWENTY UNITS, NO MORE THAN TEN PERCENT MAY BE
15 REGISTERED AS SHORT-TERM RENTAL UNITS.

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

19 14-A. "SHORT-TERM RENTAL UNIT" IS A CLASS A MULTIPLE DWELLING UNIT
20 THAT IS AVAILABLE FOR RENT, OR FOR HIRE, FOR LESS THAN THIRTY DAYS BY
21 GUESTS.

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

25 ARTICLE 2

26 SHORT-TERM RENTALS

27 SECTION 27-2004.1 REGISTRATION REQUIRED.

28 27-2004.2 REGISTRATION FEE.

29 27-2004.3 STANDARD OF OPERATION.

30 27-2004.4 VIOLATIONS.

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

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

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

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

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

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

1 4. THE UNIT SHALL BE CLEANED AND SANITIZED BETWEEN GUESTS AND ALL
2 FOOD, BEVERAGES AND ALCOHOL SHALL BE THROWN OUT. ALL DISHES, UTENSILS,
3 POTS, PANS AND OTHER COOKING UTENSILS SHALL BE CLEANED AND SANITIZED
4 BETWEEN GUESTS.

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

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

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

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

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

27 S 7. This act shall take effect immediately.