S T A T E O F N E W Y O R K

5433

2013-2014 Regular Sessions

I N S E N A T E

May 16, 2013

Introduced by Sen. PARKER -- 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:

Section 1. 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 THE UNIT USED AS A SHORT-TERM RENTAL. THIS REGISTRATION REQUIREMENT DOES NOT APPLY TO THOSE UNITS WHICH ARE PROVIDED AS SHORT-TERM RENTALS FOR LESS THAN THIRTY DAYS PER CALENDAR YEAR. THE REGISTRATION SHALL INCLUDE THE LOCATION OF THE SHORT-TERM RENTAL UNIT OR UNITS, THE TOTAL NUMBER OF SLEEPING ROOMS IN THE UNIT OR UNITS, AND THE NAME AND ADDRESS OF A LOCAL CONTACT PERSON FOR THE UNIT OR UNITS. IT SHALL BE UNLAWFUL FOR ANY INDIVIDUAL WHO OWNS OR LEASES A SHORT-TERM RENTAL TO REGISTER MORE THAN THIRTY SHORT-TERM RENTAL UNITS.

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

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

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

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

3. THE MAXIMUM NUMBER OF GUESTS IN A UNIT SHALL BE NO MORE THAN ONE PERSON PER ONE HUNDRED SQUARE FEET OF FLOOR AREA. THE OCCUPANCY LIMITATIONS SET FORTH IN THIS SUBDIVISION ARE ABSOLUTE MAXIMUMS, AND THE ACTUAL ALLOWED CAPACITY SHALL BE BASED ON THE APPLICABLE PROVISIONS OF THE BUILDING CODE. NOTICE OF THESE REQUIREMENTS SHALL BE PROVIDED TO ALL GUESTS.

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

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

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

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

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

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

S 2. Paragraph a of subdivision 8 of section 4 of the multiple dwelling law is amended by adding two new subparagraphs 3 and 4 to read as follows:

(3) IN A CLASS A MULTIPLE DWELLING BUILDING OF FOUR OR LESS UNITS, THE USE OF A 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 THE BUILDING IS OCCUPIED BY ITS OWNER.

(4) 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;

(C) SUCH DWELLING UNIT PROVIDES FOR AN EVACUATION DIAGRAM IDENTIFYING ALL MEANS OF EGRESS FROM THE VACATION 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 VACATION RENTAL UNIT;

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

(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.

S 3. 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 4. 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 FOR EVERY UNIT USED AS A SHORT-TERM RENTAL. THIS REGISTRATION REQUIREMENT DOES NOT APPLY TO THOSE UNITS WHICH ARE PROVIDED AS SHORT-TERM RENTALS FOR LESS THAN THIRTY DAYS PER CALENDAR YEAR. THE REGISTRATION SHALL INCLUDE THE LOCATION OF THE SHORT-TERM RENTAL UNIT OR UNITS, THE TOTAL NUMBER OF SLEEPING ROOMS IN THE UNIT OR UNITS, AND THE NAME AND ADDRESS OF A LOCAL CONTACT PERSON FOR THE UNIT OR UNITS. IT SHALL BE UNLAWFUL FOR ANY INDIVIDUAL WHO OWNS OR LEASES A SHORT-TERM RENTAL TO REGISTER MORE THAN THIRTY SHORT-TERM RENTAL UNITS.

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

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.

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

3. THE MAXIMUM NUMBER OF GUESTS IN A UNIT SHALL BE NO MORE THAN ONE PERSON PER ONE HUNDRED SQUARE FEET OF FLOOR AREA. THE OCCUPANCY LIMITATIONS SET FORTH IN THIS SUBDIVISION ARE ABSOLUTE MAXIMUMS, AND THE ACTUAL ALLOWED CAPACITY SHALL BE BASED ON THE APPLICABLE PROVISIONS OF THE BUILDING CODE. NOTICE OF THESE REQUIREMENTS SHALL BE PROVIDED TO ALL GUESTS.

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

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

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

S 27-2004.4 VIOLATIONS. 1. ANY INDIVIDUAL WHO IS FOUND BY THE DEPARTMENT TO HAVE VIOLATED ANY REQUIREMENTS OF CLAUSE FOUR OF SUBPARAGRAPH (A) OF PARAGRAPH EIGHT OF SUBDIVISION A OF SECTION 27-2004 OF THIS CHAPTER WITH RESPECT TO USE AND OPERATION OF A SHORT-TERM RENTAL UNIT, SHALL BE SUBJECT TO A FINE OF NOT LESS THAN ONE THOUSAND DOLLARS AND NOT MORE THAN TWO THOUSAND DOLLARS.

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

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

S 5. 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 two new clauses 3 and 4 to read as follows:

(3) IN A CLASS A MULTIPLE DWELLING BUILDING OF FOUR OR LESS UNITS, THE USE OF A 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 THE BUILDING IS OCCUPIED BY ITS OWNER.

(4) 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 SEVENTEEN OF THIS SECTION;

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

(C) SUCH DWELLING UNIT PROVIDES FOR AN EVACUATION DIAGRAM IDENTIFYING ALL MEANS OF EGRESS FROM THE VACATION 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 VACATION RENTAL UNIT;

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

(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, 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.

S 6. 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 7. This act shall take effect immediately.