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

8704

I N A S S E M B L Y

January 13, 2016

Introduced by M. of A. ROSENTHAL -- 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 prohibiting advertising that promotes the use of dwelling units in a class A multiple dwelling for other than permanent residence purposes; and to amend the real property law, in relation to requiring that landlords provide notice to tenants of the consequences of advertising a rental unit for use on short term rental websites

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 121 to read as follows:

S 121. PROHIBITING ADVERTISING THAT PROMOTES THE USE OF DWELLING UNITS IN A CLASS A MULTIPLE DWELLING FOR OTHER THAN PERMANENT RESIDENCE PURPOSES. 1. IT SHALL BE UNLAWFUL TO ADVERTISE OCCUPANCY OR USE OF DWELLING UNITS IN A CLASS A MULTIPLE DWELLING FOR OTHER THAN PERMANENT RESIDENCE PURPOSES.

2. ANY PERSON FOUND TO HAVE VIOLATED THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE FIRST VIOLATION, FIVE THOUSAND DOLLARS FOR THE SECOND VIOLATION AND SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR THE THIRD AND SUBSEQUENT VIOLATIONS.

3. FOR THE PURPOSES OF THIS SECTION, THE TERM "ADVERTISE" SHALL MEAN ANY FORM OF COMMUNICATION FOR MARKETING THAT IS USED TO ENCOURAGE, PERSUADE OR MANIPULATE VIEWERS, READERS OR LISTENERS INTO CONTRACTING FOR GOODS AND/OR SERVICES AS MAY BE VIEWED THROUGH VARIOUS MEDIA INCLUDING, BUT NOT LIMITED TO, NEWSPAPERS, MAGAZINES, FLYERS, HANDBILLS, TELEVISION COMMERCIALS, RADIO, SIGNAGE, DIRECT MAIL, WEBSITES OR TEXT MESSAGES.

S 2. Subchapter 3 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new article 18 to read as follows:

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

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ARTICLE 18

UNLAWFUL ADVERTISEMENT FOR CERTAIN OCCUPANCIES

S 27-287.1 UNLAWFUL ADVERTISEMENT FOR CERTAIN OCCUPANCIES. 1. IT SHALL BE UNLAWFUL TO ADVERTISE OCCUPANCY OR USE OF DWELLING UNITS IN A CLASS A MULTIPLE DWELLING FOR OTHER THAN PERMANENT RESIDENCE PURPOSES.

2. ANY PERSON FOUND TO HAVE VIOLATED THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS FOR THE FIRST VIOLATION, FIVE THOUSAND DOLLARS FOR THE SECOND VIOLATION AND SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR THE THIRD AND SUBSEQUENT VIOLATIONS.

3. FOR THE PURPOSES OF THIS SECTION THE TERM "ADVERTISE" SHALL MEAN ANY FORM OF COMMUNICATION FOR MARKETING THAT IS USED TO ENCOURAGE, PERSUADE OR MANIPULATE VIEWERS, READERS OR LISTENERS INTO CONTRACTING FOR GOODS AND/OR SERVICES AS MAY BE VIEWED THROUGH VARIOUS MEDIA INCLUDING, BUT NOT LIMITED TO, NEWSPAPERS, MAGAZINES, FLYERS, HANDBILLS, TELEVISION COMMERCIALS, RADIO, SIGNAGE, DIRECT MAIL, WEBSITES OR TEXT MESSAGES.

S 3. The real property law is amended by adding a new section 226-c to read as follows:

S 226-C. NOTICE REGARDING ADVERTISEMENTS ON SHORT TERM RENTAL WEBSITES. 1. THE LANDLORD IS REQUIRED TO PROVIDE NOTICE TO TENANTS ON ALL ANNUAL AND BIANNUAL LEASE RENEWALS THAT OFFERING OR ADVERTISING THE RENTAL UNIT ON A SHORT TERM RENTAL WEBSITE MAY BE PROHIBITED IF THE RENTAL UNIT IS A CLASS A MULTIPLE DWELLING, AS DEFINED IN PARAGRAPH A OF SUBDIVISION EIGHT OF SECTION FOUR OF THE MULTIPLE DWELLING LAW, AND THAT SUCH OFFERING OR ADVERTISING MAY VIOLATE THE TERMS OF THE LEASE AGREEMENT.

2. SUCH NOTICES PROVIDED BY THE LANDLORD SHOULD ENCOURAGE TENANTS WHO WISH TO OFFER OR ADVERTISE THE RENTAL UNIT ON A SHORT TERM RENTAL WEBSITE TO CONTACT THE PROPERTY AUTHORITIES PRIOR TO UTILIZING SUCH SHORT TERM RENTAL WEBSITES.

S 4. This act shall take effect immediately; provided, however, that section three of this act shall take effect on the ninetieth day after it shall have become a law.