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I N A S S E M B L Y

January 13, 2016

Introduced by M. of A. ROSENTHAL, RICHARDSON, BRAUNSTEIN, MOYA, JOYNER, MARKEY, HEVESI, WRIGHT, GOLDFEDER, SIMOTAS, KIM, DAVILA, PICHARDO, CRESPO, SEAWRIGHT, GLICK, BLAKE, RIVERA, COOK, MOSLEY, LINARES, BRENAN, COLTON, TITUS, WALKER -- Multi-Sponsored by -- M. of A. BARRON, FARRELL, ROBINSON, SIMON -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The multiple dwelling law is amended by adding a new  
2 section 121 to read as follows:  
3 S 121. PROHIBITING ADVERTISING THAT PROMOTES THE USE OF DWELLING UNITS  
4 IN A CLASS A MULTIPLE DWELLING FOR OTHER THAN PERMANENT RESIDENCE  
5 PURPOSES. 1. IT SHALL BE UNLAWFUL TO ADVERTISE OCCUPANCY OR USE OF  
6 DWELLING UNITS IN A CLASS A MULTIPLE DWELLING FOR OCCUPANCY THAT WOULD  
7 VIOLATE SUBDIVISION EIGHT OF SECTION FOUR OF THIS CHAPTER DEFINING A  
8 "CLASS A" MULTIPLE DWELLING AS A MULTIPLE DWELLING THAT IS OCCUPIED FOR  
9 PERMANENT RESIDENCE PURPOSES.  
10 2. ANY PERSON FOUND TO HAVE VIOLATED THE PROVISIONS OF SUBDIVISION ONE  
11 OF THIS SECTION SHALL BE LIABLE FOR A CIVIL PENALTY OF NOT MORE THAN ONE  
12 THOUSAND DOLLARS FOR THE FIRST VIOLATION, FIVE THOUSAND DOLLARS FOR THE  
13 SECOND VIOLATION AND SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR THE THIRD  
14 AND SUBSEQUENT VIOLATIONS.  
15 3. FOR THE PURPOSES OF THIS SECTION, THE TERM "ADVERTISE" SHALL MEAN  
16 ANY FORM OF COMMUNICATION FOR MARKETING THAT IS USED TO ENCOURAGE,  
17 PERSUADE OR MANIPULATE VIEWERS, READERS OR LISTENERS INTO CONTRACTING

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

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1 FOR GOODS AND/OR SERVICES AS MAY BE VIEWED THROUGH VARIOUS MEDIA INCLUD-  
2 ING, BUT NOT LIMITED TO, NEWSPAPERS, MAGAZINES, FLYERS, HANDBILLS, TELE-  
3 VISION COMMERCIALS, RADIO, SIGNAGE, DIRECT MAIL, WEBSITES OR TEXT  
4 MESSAGES.

5 4. NOTWITHSTANDING THE PROVISIONS OF SECTION THREE HUNDRED THREE OF  
6 THIS CHAPTER, IN A CITY WITH A POPULATION OF ONE MILLION OR MORE THE  
7 PROVISIONS OF THIS SECTION SHALL BE ENFORCED BY THE MAYOR'S OFFICE OF  
8 SPECIAL ENFORCEMENT.

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

12 ARTICLE 18

13 UNLAWFUL ADVERTISEMENT FOR CERTAIN OCCUPANCIES

14 S 27-287.1 UNLAWFUL ADVERTISEMENT FOR CERTAIN OCCUPANCIES. 1. IT SHALL  
15 BE UNLAWFUL TO ADVERTISE OCCUPANCY OR USE OF DWELLING UNITS IN A CLASS A  
16 MULTIPLE DWELLING FOR OCCUPANCY THAT WOULD VIOLATE SUBDIVISION EIGHT OF  
17 SECTION FOUR OF THE MULTIPLE DWELLING LAW DEFINING A "CLASS A" MULTIPLE  
18 DWELLING AS A MULTIPLE DWELLING THAT IS OCCUPIED FOR PERMANENT RESIDENCE  
19 PURPOSES.

20 2. THE PROVISIONS OF THIS SECTION SHALL BE ENFORCED BY THE MAYOR'S  
21 OFFICE OF SPECIAL ENFORCEMENT. ANY PERSON FOUND TO HAVE VIOLATED THE  
22 PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE LIABLE FOR A  
23 CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR THE FIRST  
24 VIOLATION, FIVE THOUSAND DOLLARS FOR THE SECOND VIOLATION AND SEVEN  
25 THOUSAND FIVE HUNDRED DOLLARS FOR THE THIRD AND SUBSEQUENT VIOLATIONS.

26 3. FOR THE PURPOSES OF THIS SECTION THE TERM "ADVERTISE" SHALL MEAN  
27 ANY FORM OF COMMUNICATION, PROMOTION OR SOLICITATION, INCLUDING BUT NOT  
28 LIMITED TO DIRECT MAIL, NEWSPAPERS, MAGAZINES, FLYERS, HANDBILLS, TELE-  
29 VISION COMMERCIALS, RADIO, SIGNAGE, DIRECT MAIL, WEBSITES, TEXT MESSAGES  
30 OR SIMILAR DISPLAYS, INTENDED OR USED TO INDUCE, ENCOURAGE OR PERSUADE  
31 THE PUBLIC TO ENTER INTO A CONTRACT FOR GOODS AND/OR SERVICES.

32 S 3. This act shall take effect immediately.