

6340

I N S E N A T E

(PREFILED)

January 6, 2016

Introduced by Sens. LANZA, AVELLA, COMRIE -- 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 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:

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 OTHER THAN PERMANENT  
7 RESIDENCE PURPOSES.

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

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

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

LBD13144-02-5

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

4 ARTICLE 18

5 UNLAWFUL ADVERTISEMENT FOR CERTAIN OCCUPANCIES

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

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

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

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

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

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

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