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

6340--A

I N  S E N A T E

(PREFILED)

January 6, 2016

Introduced by Sens. LANZA, AVELLA, COMRIE, DILAN, ESPAILLAT, HAMILTON, LATIMER, PANEPINTO, PERALTA, PERSAUD, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- 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:

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 OCCUPANCY THAT WOULD VIOLATE SUBDIVISION EIGHT OF SECTION FOUR OF THIS CHAPTER DEFINING A "CLASS A" MULTIPLE DWELLING AS A MULTIPLE DWELLING THAT IS OCCUPIED FOR 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 ONE THOUSAND 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.

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

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

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:

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 OCCUPANCY THAT WOULD VIOLATE SUBDIVISION EIGHT OF SECTION FOUR OF THE MULTIPLE DWELLING LAW DEFINING A "CLASS A" MULTIPLE DWELLING AS A MULTIPLE DWELLING THAT IS OCCUPIED FOR PERMANENT RESIDENCE PURPOSES.

2. THE PROVISIONS OF THIS SECTION SHALL BE ENFORCED BY THE MAYOR'S OFFICE OF SPECIAL ENFORCEMENT. 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 ONE THOUSAND 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, PROMOTION OR SOLICITATION, INCLUDING BUT NOT LIMITED TO DIRECT MAIL, NEWSPAPERS, MAGAZINES, FLYERS, HANDBILLS, TELEVISION COMMERCIALS, RADIO, SIGNAGE, DIRECT MAIL, WEBSITES, TEXT MESSAGES OR SIMILAR DISPLAYS, INTENDED OR USED TO INDUCE, ENCOURAGE OR PERSUADE THE PUBLIC TO ENTER INTO A CONTRACT FOR GOODS AND/OR SERVICES.

S 3. This act shall take effect immediately.