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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 -- Multi-Sponsored by -- M. of A. FARRELL, MOSLEY, ROBINSON -- 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

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 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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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.

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. 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 ANNUAL NOTICE TO TENANTS 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. (A) EACH YEAR THE LANDLORD SHALL DELIVER TO EACH DWELLING UNIT, A NOTICE, THE FORM AND CONTENT OF WHICH SHALL BE IN ENGLISH AND IN A CITY WITH A POPULATION OF ONE MILLION OR MORE IN THE SIX MOST COMMON LANGUAGES SPOKEN IN ANY SUCH CITY AND AS SPECIFIED IN PARAGRAPH (B) OF THIS SUBDIVISION, NO EARLIER THAN JANUARY FIRST AND NO LATER THAN JANUARY SIXTEENTH OF THE YEAR FOR WHICH THE NOTICE IS DELIVERED. THE FOREGOING NOTWITHSTANDING, IF SUCH NOTICE IS DELIVERED TO THE DWELLING UNIT BY SEPARATE ENCLOSURE WITH THE RENT BILL, THEN NOTICE MAY BE DELIVERED AT SUCH TIME AS THE RENT BILL FOR THE MONTH OF JANUARY IS DELIVERED. IN ADDITION, SUCH NOTICE SHALL BE DELIVERED WITHIN THIRTY DAYS OF ANY CHANGE IN OCCUPANCY. THE LANDLORD SHALL DELIVER SAID NOTICE BY FIRST CLASS MAIL ADDRESSED TO THE OCCUPANT OF THE DWELLING UNIT, BY HAND DELIVERY TO THE OCCUPANT AT THE DWELLING UNIT OR BY SEPARATE ENCLOSURE WITH THE RENT BILL.

(B) THE NOTICE PROVIDED BY THE LANDLORD ANNUALLY TO EACH DWELLING UNIT SHALL SPECIFY IN TWELVE POINT FONT THE FOLLOWING: "RENTING OUT YOUR UNIT

1 FOR FEWER THAN 30 DAYS MAY VIOLATE NEW YORK STATE LAW WITH RESPECT TO
2 THE PROHIBITION AGAINST TRANSIENT OCCUPANCY AND ALSO MAY VIOLATE THE
3 TERMS OF YOUR LEASE AND RESULT IN EVICTION PROCEEDINGS BEING BROUGHT
4 AGAINST YOU."

5 (C) ANY LANDLORD WHO HAS ANNUALLY PROVIDED NOTICE TO TENANTS WITH THE
6 INFORMATION REQUIRED IN SUBDIVISIONS (A) AND (B) OF THIS SECTION WHICH
7 IS MORE PARTICULAR THAN THE REQUIREMENTS OF THIS SECTION MAY BE DEEMED
8 IN COMPLIANCE WITH THIS SECTION AND MAY CONTINUE WITH SUCH NOTICE.

9 3. THE PROVISIONS OF THIS SECTION SHALL BE ENFORCED BY THE DEPARTMENT
10 CHARGED WITH THE ENFORCEMENT OF LAWS, ORDINANCES AND REGULATIONS IN
11 RELATION TO MULTIPLE DWELLINGS; PROVIDED, HOWEVER, THAT IN A CITY WITH A
12 POPULATION OF ONE MILLION OR MORE THE PROVISIONS OF THIS SECTION SHALL
13 BE ENFORCED BY THE MAYOR'S OFFICE OF SPECIAL ENFORCEMENT.

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