

# STATE OF NEW YORK

4153--B

2017-2018 Regular Sessions

## IN ASSEMBLY

February 1, 2017

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Consumer Affairs and Protection -- 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 requiring advertisements for certain accommodations to be submitted to the designated enforcement agency

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 15 to read as follows:

3 § 15. Advertisements for the use of dwelling units; required disclo-  
4 ures. 1. a. Any online platform offering advertisement for accommo-  
5 modation in a dwelling for a period fewer than thirty consecutive days  
6 shall submit the following information to the department before such  
7 advertisement is permitted to be listed on such platform:

8 (i) the exact physical address of the dwelling, including the street  
9 name, street number, apartment number, borough, town and county;

10 (ii) the full legal name of the person offering accommodation in such  
11 dwelling;

12 (iii) contact information including phone number and email address for  
13 the local host or co-host for such dwelling;

14 (iv) the category of the dwelling as either a private dwelling as  
15 defined in subdivision six of section four of this chapter, class A  
16 multiple dwelling as defined in subdivision eight of section four of  
17 this article or class B multiple dwelling as defined in subdivision nine  
18 of section four of this chapter;

19 (v) whether the dwelling is covered by a rent control, rent stabiliza-  
20 tion or affordable housing program and if so, the name of such program;

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

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1 (vi) whether the entire dwelling or just a portion of such dwelling is  
2 made available under the listing being advertised; and

3 (vii) whether the dwelling is the primary residence of the host.

4 b. The manner of the submissions required by paragraph a of this  
5 subdivision shall be determined by the department.

6 2. Any person found to have violated the provisions of subdivision one  
7 of this section shall be liable for a civil penalty of not more than one  
8 thousand dollars for the first violation, five thousand dollars for the  
9 second violation and seven thousand five hundred dollars for the third  
10 and subsequent violations.

11 3. For the purposes of this section, the term "advertisement" shall  
12 mean any form of communication for marketing that is used to encourage,  
13 persuade or manipulate viewers, readers or listeners into contracting  
14 for goods and/or services as may be viewed through various media includ-  
15 ing, but not limited to, newspapers, magazines, fliers, handbills, tele-  
16 vision commercials, radio, signage, direct mail, websites or text  
17 messages.

18 4. Notwithstanding the provisions of section three hundred three of  
19 this chapter, in a city with a population of one million or more the  
20 provisions of this section shall be enforced by the mayor's office of  
21 special enforcement.

22 5. This section shall not apply to advertisements or offers for occu-  
23 pancy of such dwelling unit for fewer than thirty consecutive days by  
24 other natural persons living within the household of the permanent occu-  
25 pant such as house guests or lawful boarders, roomers or lodgers or  
26 incidental and occasional occupancy of such dwelling unit for fewer than  
27 thirty consecutive days by other natural persons when the permanent  
28 occupants are temporarily absent for personal reasons such as vacation  
29 or medical treatment, provided that there is no monetary compensation  
30 paid to the permanent occupants for such occupancy.

31 § 2. Subchapter 3 of chapter 1 of title 27 of the administrative code  
32 of the city of New York is amended by adding a new article 19 to read as  
33 follows:

34 ARTICLE 19

35 ADVERTISEMENTS FOR CERTAIN

36 ACCOMMODATIONS

37 § 27-287.5 Advertisements for certain accommodations. 1. a. Any  
38 online platform offering advertisement for accommodation in a dwelling  
39 for a period fewer than thirty consecutive days shall submit the follow-  
40 ing information to the mayor's office of special enforcement before such  
41 advertisement is permitted to be listed on such platform:

42 (i) the exact physical address of the dwelling, including the street  
43 name, street number, apartment number, borough, town and county;

44 (ii) the full legal name of the person offering accommodation in such  
45 dwelling;

46 (iii) contact information including phone number and email address for  
47 the local host or co-host for such dwelling;

48 (iv) the category of the dwelling as either a private dwelling as  
49 defined in subdivision six of section four of the multiple dwelling law,  
50 class A multiple dwelling as defined in subdivision eight of section  
51 four of the multiple dwelling law or class B multiple dwelling as  
52 defined in subdivision nine of section four of the multiple dwelling  
53 law;

54 (v) whether the dwelling is covered by a rent control, rent stabiliza-  
55 tion or affordable housing program and if so, the name of such program;

1 (vi) whether the entire dwelling or just a portion of such dwelling is  
2 made available under the listing being advertised; and

3 (vii) whether the dwelling is the primary residence of the host.

4 b. The manner of the submissions required by paragraph a of this  
5 subdivision shall be determined by the mayor's office of special  
6 enforcement.

7 2. This section shall not apply to advertisements or offers for occu-  
8 pancy of such dwelling unit for fewer than thirty consecutive days by  
9 other natural persons living within the household of the permanent occu-  
10 pant such as house guests or lawful boarders, roomers or lodgers or  
11 incidental and occasional occupancy of such dwelling unit for fewer than  
12 thirty consecutive days by other natural persons when the permanent  
13 occupants are temporarily absent for personal reasons such as vacation  
14 or medical treatment, provided that there is no monetary compensation  
15 paid to the permanent occupants for such occupancy.

16 § 3. This act shall take effect on the sixtieth day after it shall  
17 have become a law; provided, however, that immediately, the addition,  
18 amendment and/or repeal of any rule or regulation necessary for the  
19 implementation of this act on its effective date are authorized and  
20 directed to be made and completed on or before such effective date.