

STATE OF NEW YORK

5773

2017-2018 Regular Sessions

IN ASSEMBLY

February 15, 2017

Introduced by M. of A. CYMBROWITZ -- read once and referred to the
Committee on Housing

AN ACT to amend the multiple dwelling law and the administrative code of
the city of New York, in relation to clarifying certain provisions
relating to occupancy of class A multiple dwellings

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Paragraph a of subdivision 8 of section 4 of the multiple
2 dwelling law is amended by adding a new subparagraph 3 to read as
3 follows:

4 (3) In a class A multiple dwelling, the use of a short-term rental
5 unit for occupancy of fewer than thirty consecutive days shall not be
6 inconsistent with the occupancy of such multiple dwelling for permanent
7 residence purposes if:

8 (A) such dwelling unit does not provide single room occupancy as
9 defined by subdivision sixteen of this section;

10 (B) such dwelling unit contains a bathroom and a kitchen not shared
11 with another unit;

12 (C) such dwelling unit provides for an evacuation diagram identifying
13 all means of egress from the short-term rental unit and the building in
14 which it is located. Such evacuation diagram shall be posted in a
15 conspicuous place on the inside entrance door of each short-term rental
16 unit;

17 (D) such dwelling unit contains working smoke detectors in accordance
18 with local fire code;

19 (E) such dwelling unit has sufficient fire, hazard, and liability
20 insurance to cover those persons using the unit for such occupancy;

21 (F) all compensation received for rent, or for hire, for such dwelling
22 unit, shall be subject to all appropriate taxes and fees, including, but
23 not limited to, taxes and fees imposed by sections eleven hundred four,
24 eleven hundred five, eleven hundred seven and eleven hundred nine of

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

LBD09724-01-7

1 the tax law, and section 11-702 of the administrative code of the city
2 of New York; and

3 (G) such unit is registered with the city in accordance with the
4 provisions of article seven-D of this chapter, unless it is used as a
5 short-term rental unit less than thirty days per calendar year.

6 (H) Provided further that in non owner-occupied buildings, fifty
7 percent or less of the total units may be registered as short-term
8 rental units.

9 § 2. Section 4 of the multiple dwelling law is amended by adding a new
10 subdivision 15-a to read as follows:

11 15-a. "Short-term rental unit" is a class A multiple dwelling unit
12 that is available for rent, or for hire, for less than thirty days by
13 quests.

14 § 3. The multiple dwelling law is amended by adding a new article 7-D
15 to read as follows:

16 ARTICLE 7-D

17 SHORT-TERM RENTALS

18 Section 288. Registration required.

19 289. Registration fee.

20 290. Violations.

21 291. Regulations.

22 § 288. Registration required. Any individual that operates a short-
23 term rental unit, as defined by subdivision fifteen-a of section four of
24 this chapter, must be registered with the department. Each unit operated
25 by the individual shall have a registration identification number. The
26 registration shall include the location of the unit.

27 § 289. Registration fee. The registration fee shall be five hundred
28 dollars per unit, all of which shall be dedicated to the division, unit
29 or special task force in charge of enforcing this article, as determined
30 by the division of housing and community renewal.

31 § 290. Violations. When the use of a short-term rental unit is deter-
32 mined to not comply with any requirements set forth in subparagraph
33 three of paragraph a of subdivision eight of section four of this chap-
34 ter, the individual who registered the unit as required by this article,
35 shall be in violation of the registration and subject to a fine of not
36 less than one thousand dollars and not more than two thousand dollars.
37 If an individual commits three violations in a single unit, the individ-
38 ual's registration of such unit shall be revoked permanently. Such indi-
39 vidual shall be afforded the opportunity to appeal such revocation in
40 accordance with regulations and procedures adopted by the city.

41 § 291. Regulations. The division of housing and community renewal
42 shall promulgate regulations to deal with the registration and enforce-
43 ment of short-term rental units, including inspection and audit proce-
44 dures concerning all registered units. Such regulations may also create
45 a public registry of all short-term rental units so that the public is
46 aware of those units in good standing.

47 § 4. Subparagraph (a) of paragraph 8 of subdivision a of section
48 27-2004 of the administrative code of the city of New York is amended by
49 adding a new clause 3 to read as follows:

50 (3) In a class A multiple dwelling, the use of a short-term rental
51 unit for occupancy of fewer than thirty consecutive days shall not be
52 inconsistent with the occupancy of such multiple dwelling for permanent
53 residence purposes if:

54 (A) such dwelling unit does not provide single room occupancy as
55 defined by subdivision sixteen of this section;

1 (B) such dwelling unit contains a bathroom and a kitchen not shared
2 with another unit;

3 (C) such dwelling unit provides for an evacuation diagram identifying
4 all means of egress from the short-term rental unit and the building in
5 which it is located. Such evacuation diagram shall be posted in a
6 conspicuous place on the inside entrance door of each short-term rental
7 unit;

8 (D) such dwelling unit contains working smoke detectors in accordance
9 with local fire code;

10 (E) such dwelling unit has sufficient fire, hazard, and liability
11 insurance to cover those persons using the unit for such occupancy;

12 (F) all compensation received for rent, or for hire, for such dwelling
13 unit, shall be subject to all appropriate taxes and fees, including, but
14 not limited to, taxes and fees imposed by sections eleven hundred four,
15 eleven hundred five, eleven hundred seven and eleven hundred nine of the
16 tax law, and section 11-702 of the administrative code of the city of
17 New York; and

18 (G) the unit is registered with the city in accordance with the
19 provisions of article two of this subchapter, unless it is used as a
20 short-term rental unit less than thirty days per calendar year.

21 (H) Provided further that in non owner-occupied buildings, fifty
22 percent or less of the total units may be registered as short-term
23 rental units.

24 § 5. Subdivision a of section 27-2004 of the administrative code of
25 the city of New York is amended by adding a new paragraph 14-a to read
26 as follows:

27 14-a. Short-term rental unit is a class A multiple dwelling unit that
28 is available for rent, or for hire, for less than thirty days by guests.

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

32 ARTICLE 2

33 SHORT-TERM RENTALS

34 Section 27-2004.1 Registration required.

35 27-2004.2 Registration fee.

36 27-2004.3 Violations.

37 27-2004.4 Regulations.

38 § 27-2004.1 Registration required. Any individual that operates a
39 short-term rental unit, as defined by paragraph fourteen-a of subdivi-
40 sion a of section 27-2004 of this subchapter, must be registered with
41 the department. Each unit operated by the individual shall have a regis-
42 tration identification number. The registration shall include the
43 location of the unit.

44 § 27-2004.2 Registration fee. The registration fee shall be five
45 hundred dollars per unit, all of which shall be dedicated to the divi-
46 sion, unit or special task force in charge of enforcing this article, as
47 determined by the division of housing and community renewal.

48 § 27-2004.3 Violations. When the use of a short-term rental unit is
49 determined to not comply with any requirements set forth in clause three
50 of subparagraph (a) of paragraph eight of subdivision a of section
51 27-2004 of this code, the individual who registered the unit as required
52 by this article, shall be in violation of the registration and subject
53 to a fine of not less than one thousand dollars and not more than two
54 thousand dollars. If an individual commits three violations in a single
55 unit, the individual's registration of such unit shall be revoked perma-
56 nently. Such individual shall be afforded the opportunity to appeal

1 such revocation in accordance with regulations and procedures adopted by
2 the city.

3 § 27-2004.4 Regulations. The division of housing and community renewal
4 shall promulgate regulations to deal with the registration and enforce-
5 ment of short-term rental units, including inspection and audit proce-
6 dures concerning all registered units. Such regulations may also create
7 a public registry of all short-term rental units so that the public is
8 aware of those units in good standing.

9 § 7. This act shall take effect immediately.