

STATE OF NEW YORK

9615

IN ASSEMBLY

January 27, 2020

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

AN ACT to amend the executive law, the multiple residence law and the
multiple dwelling law, in relation to a statewide residential rental
registry

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

1 Section 1. The executive law is amended by adding a new section 381-a
2 to read as follows:

3 § 381-a. Statewide rental registry. 1. The secretary shall administer
4 a statewide residential rental registry pursuant to the requirements of
5 this section and shall develop a public online rental registry database
6 designed to receive information from landlords and local governments and
7 code enforcement agencies and to disseminate such information to the
8 public.

9 2. The following words or terms when used in this section are defined
10 as follows:

11 (a) "Code enforcement" means the administration and enforcement of the
12 uniform fire prevention code and building code promulgated in accordance
13 with sections three hundred seventy-seven and three hundred seventy-
14 eight of this article, the state energy conservation construction code
15 adopted in accordance with article eleven of the energy law, and any
16 local building and fire regulations enacted or adopted by any local
17 government that are in effect pursuant to section three hundred seven-
18 ty-nine of this article.

19 (b) "Covered dwelling" means a dwelling which is either rented,
20 leased, let or hired out, to be occupied, or is occupied as the resi-
21 dence or home of two or more families living independently of each
22 other.

23 (c) "Dwelling" means any building or structure or portion thereof
24 which is occupied in whole or in part as the home, residence, or sleep-
25 ing place of one or more human beings.

26 (d) "Family" means either a person occupying a dwelling and maintain-
27 ing a household, with not more than four boarders, roomers or lodgers,

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

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1 or two or more persons occupying a dwelling, living together and main-
2 taining a common household, with not more than four boarders, roomers or
3 lodgers. A "boarder", "roomer" or "lodger" residing with a family shall
4 mean a person living within the household who pays a consideration for
5 such residence and does not occupy such space within the household as an
6 incident of employment therein.

7 (e) "Managing agent" means a natural person who is over the age of
8 twenty-one years and a resident of the county in which the property is
9 located, resides within thirty miles of the property, or customarily and
10 regularly attends a business office maintained in the county or within
11 thirty miles of the property, and is designated by the owner to receive
12 service of notices and summons issued by the local code enforcement
13 agency.

14 (f) "Owner" means the owner or owners of the freehold of the premises
15 or lessor estate therein, a mortgagee or vendee in possession, assignee
16 of rents, receiver, executor, trustee, agent, or any other person, firm
17 or corporation, directly or indirectly in control of a dwelling.

18 (g) "Private dwelling" means any building or structure designed and
19 occupied exclusively for residential purposes by not more than one fami-
20 ly.

21 (h) "Secretary" means the secretary of state.

22 3. The owner of a covered dwelling shall register such dwelling with
23 the department of state every three years in accordance with the rules
24 and regulations prescribed by the secretary, except that registration
25 with the department of state shall not be required where the owner is
26 required to register with a local government under which the property is
27 situated in a manner that complies with the rules and regulations
28 prescribed by the secretary pursuant to this section.

29 4. An owner who is required to register under this section and who
30 fails to register (a) shall be subject to a civil penalty of not less
31 than two hundred fifty dollars and not more than five hundred dollars,
32 recoverable by the department of state in a civil action in a court of
33 appropriate jurisdiction; and (b) shall be denied the right to recover
34 possession of the premises for nonpayment of rent during the period of
35 noncompliance, and shall, at the discretion of the court, suffer a stay
36 of proceeding to recover rents, during such period. In any action to
37 recover possession under section seven hundred eleven of the real prop-
38 erty actions and proceedings law, the owner shall allege that they are
39 properly registered under this section.

40 5. Any local government with a rental registration or rental registry
41 certificate program, ordinance, regulation or other law may continue to
42 maintain such registry or program but shall submit to the department of
43 state all information required under this section in a method prescribed
44 by the secretary. If such program, ordinance, or law does not comply
45 with the rules and regulations prescribed by the secretary pursuant to
46 this section, the owner shall register all covered dwellings with the
47 department of state.

48 6. The secretary shall develop and maintain an online portal for local
49 governments to submit registration and code enforcement violations to
50 the department of state as required under this section.

51 7. The secretary shall promulgate rules and regulations prescribing
52 standards for administration and enforcement of the statewide rental
53 registry. Such rules and regulations shall address (a) information to be
54 collected during registration including, but not limited to:

55 (i) a valid identifying address of the property and the appropriate
56 designations of all rental units on the property;

1 (ii) the total number of rooms, the number of bathrooms, and the
2 number of bedrooms in each rental unit;

3 (iii) the accessibility features, if any, of the building and each
4 rental unit;

5 (iv) whether a unit is subject to any rent regulation or regulatory
6 agreement;

7 (v) the legal name of the owner or owners, including, but not limited
8 to, the partners, general partners, LLC members, and shareholders;

9 (vi) a physical address, mailing address, and telephone number for
10 each owner. The physical address and telephone number contained in the
11 registration shall not constitute a public record and shall be accessi-
12 ble only to duly authorized employees of local government agencies or
13 the department of state and used exclusively by such personnel in
14 connection with an emergency arising on the premises for which the owner
15 is responsible or for such purposes as the secretary shall authorize;
16 and

17 (vii) the name, physical address, mailing address, and telephone
18 number for the managing agent of the rental unit, if any;

19 (b) a schedule of reasonable registration fees based on the type of
20 dwelling and number of units registered;

21 (c) the process and timeframe for updating the registration upon a
22 change in title, address, or managing agent; and

23 (d) the submission of reports by local governments to the department
24 of state containing all violations reported in covered dwellings since
25 the prior submission that shall occur at minimum on a monthly basis.

26 8. The secretary shall create and maintain through the department of
27 state's website a public online searchable database of residential
28 rental units registered under this section. The public shall be able to
29 search by, at a minimum, the address of the dwelling, the name of the
30 owner, and tax map designation. The database shall generate a report of
31 the last valid information registered with the department and informa-
32 tion submitted by local governments as required by this section. Such
33 report shall include, but shall not be limited to, the following infor-
34 mation:

35 (a) the names of each registered property owner and the managing
36 agent, if any;

37 (b) the address of each registered property owned by such registered
38 owner;

39 (c) the address of the managing agent, if any;

40 (d) the number of registered rental units on the property;

41 (e) the current number of outstanding violations issued by any code
42 enforcement agencies, disaggregated by violations that are immediately
43 hazardous, hazardous, and non-hazardous;

44 (f) the number of findings of harassment currently on record with any
45 code enforcement agencies;

46 (g) the number and types of active violations and orders issued by any
47 code enforcement agencies, including a description of each violation,
48 the status of each violation or order, and the date each violation or
49 order was issued including any violations that were active within the
50 year prior to the date the report is generated; and

51 (h) the date the information was last updated and the date the portfo-
52 lio is generated.

53 9. In any action to recover possession of a rental unit or to enforce
54 housing maintenance standards in county court, the court of a police
55 justice of the village, a justice court, a court of civil jurisdiction
56 in a city or a district court, (a) the visually displayed or (b) the

1 printed computerized portfolio registration and violation files main-
2 tained by the department of state pursuant to this section and all other
3 computerized data as shall be relevant to the enforcement of state and
4 local laws for the establishment and maintenance of housing standards,
5 shall be prima facie evidence of any matter stated therein and the
6 courts shall take judicial notice thereof as if the same were certified
7 as true under the seal and signature of the secretary.

8 10. Registration of covered dwellings under this section shall
9 commence one year from the effective date of this section. The public
10 online searchable database shall be active no later than two years from
11 the effective date of this section. All information related to code
12 violations and harassment provided through the database shall be
13 prospective from the date it becomes active unless such information is
14 otherwise available in electronic form at the time the database becomes
15 active.

16 § 2. Section 307 of the multiple residence law is amended to read as
17 follows:

18 § 307. Records and searches. (a) All records of the department shall
19 be public. Upon request the department shall be required to make a
20 search and issue a certificate of any of its records, including
21 violations, and shall have the power to charge and collect reasonable
22 fees for searches or certificates.

23 (b) In any action to recover possession of a rental unit or to enforce
24 housing maintenance standards in county court, the court of a police
25 justice of the village, a justice court, a court of civil jurisdiction
26 in a city or a district court either (i) the visually displayed or (ii)
27 the printed computerized portfolio registration and violation files
28 maintained by the department of state pursuant to section three hundred
29 eighty-one-a of the executive law and all other computerized data as
30 shall be relevant to the enforcement of state and local laws for the
31 establishment and maintenance of housing standards, shall be prima facie
32 evidence of any matter stated therein and the courts shall take judicial
33 notice thereof as if the same were certified as true under the seal and
34 signature of the secretary of state.

35 § 3. Subdivision 3 of section 328 of the multiple dwelling law, as
36 amended by chapter 403 of the laws of 1983, is amended to read as
37 follows:

38 3. In any action or proceeding before the housing part of the New York
39 city civil court either (a) the visually displayed or (b) the printed
40 computerized violation files of the department responsible for maintain-
41 ing such files, portfolio registration and violation files maintained by
42 the department of state pursuant to section three hundred eighty-one-a
43 of the executive law, and all other computerized data as shall be rele-
44 vant to the enforcement of state and local laws for the establishment
45 and maintenance of housing standards, including but not limited to the
46 name, address and telephone number of the present owner of the building
47 and whether or not he is a member in good standing of the rent stabili-
48 zation association or registered pursuant to the emergency tenant
49 protection act of nineteen seventy-four or the rent stabilization law of
50 nineteen hundred sixty-nine where one or more dwelling units therein are
51 subject to the rent stabilization law, shall be prima facie evidence of
52 any matter stated therein and the courts shall take judicial notice
53 thereof as if same were certified as true under the seal and signature
54 of the commissioner of that department.

55 § 4. This act shall take effect immediately.