

STATE OF NEW YORK

9615--A

IN ASSEMBLY

January 27, 2020

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, 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 and any local residential housing
17 codes enacted or adopted by any local government that are in effect
18 pursuant to section three hundred seventy-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.

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

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

9 (e) "Managing agent" means a natural person who is over the age of
10 twenty-one years and a resident of the county in which the property is
11 located, resides within thirty miles of the property, or customarily and
12 regularly attends a business office maintained in the county or within
13 thirty miles of the property, and is designated by the owner to receive
14 service of notices and summons issued by the local code enforcement
15 agency. Nothing in this paragraph shall be construed as abrogating or
16 impairing the power of any local government to promulgate more restric-
17 tive definitions or rules related to managing agents.

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

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

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

26 3. The owner of a covered dwelling shall register such dwelling with
27 the department of state annually in accordance with the rules and regu-
28 lations prescribed by the secretary, except that registration with the
29 department of state shall not be required where the owner is required to
30 register with a local government under which the property is situated in
31 a manner that complies with the rules and regulations prescribed by the
32 secretary pursuant to this section.

33 4. An owner who is required to register under this section and who
34 fails to register: (a) shall be subject to a civil penalty of the great-
35 er of two hundred fifty dollars or twenty-five dollars per residential
36 unit contained in the covered dwelling, and in no event shall a covered
37 dwelling be considered properly registered under this section until any
38 penalty that is due has been paid; and (b) shall be denied the right to
39 recover possession of the premises for nonpayment of rent during the
40 period of noncompliance, and shall, at the discretion of the court,
41 suffer a stay of proceeding to recover rents, during such period. In any
42 action to recover possession under section seven hundred eleven of the
43 real property actions and proceedings law, the owner shall allege that
44 they are properly registered under this section.

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

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

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

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

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

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

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

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

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

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

24 (viii) where the local government requires regular inspection of
25 rental units, the date of the last inspection in each unit, the number
26 and type of violations issued during the inspection, and whether each
27 violation has been corrected.

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

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

32 (d) to the extent practicable, the submission of reports by local
33 governments to the department of state containing all violations
34 reported in covered dwellings since the prior submission that shall
35 occur at minimum on a monthly basis. Where a local government lacks the
36 technical capacity to submit such reports, the department shall provide
37 assistance to facilitate and improve capacity to collect code violation
38 data in a machine-readable format for submission to the department.

39 8. The secretary shall create and maintain through the department of
40 state's website a public online searchable database of residential
41 rental units registered under this section. The public shall be able to
42 search by, at a minimum, the address of the dwelling, the name of the
43 owner, and tax map designation. The database shall generate a report of
44 the last valid information registered with the department and informa-
45 tion submitted by local governments as required by this section. Such
46 report shall include, but shall not be limited to, the following infor-
47 mation:

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

50 (b) the address of each registered property owned by such registered
51 owner;

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

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

54 (e) the current number of outstanding violations issued by any code
55 enforcement agencies, disaggregated by violations that are immediately

1 hazardous, hazardous, and non-hazardous where such designation is avail-
2 able;

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

5 (g) the number and types of active violations and orders issued by any
6 code enforcement agencies, including a description of each violation,
7 the status of each violation or order, and the date each violation or
8 order was issued including any violations that were active within the
9 year prior to the date the report is generated; and

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

12 9. In any action to recover possession of a rental unit or to enforce
13 housing maintenance standards in county court, the court of a police
14 justice of the village, a justice court, a court of civil jurisdiction
15 in a city or a district court, (a) the visually displayed or (b) the
16 printed computerized portfolio registration and violation files main-
17 tained by the department of state pursuant to this section and all other
18 computerized data as shall be relevant to the enforcement of state and
19 local laws for the establishment and maintenance of housing standards,
20 shall be prima facie evidence of any matter stated therein and the
21 courts shall take judicial notice thereof as if the same were certified
22 as true under the seal and signature of the secretary.

23 10. Registration of covered dwellings under this section shall
24 commence one year from the effective date of this section. The public
25 online searchable database shall be active no later than two years from
26 the effective date of this section. All information related to code
27 violations and harassment provided through the database shall be
28 prospective from the date it becomes active unless such information is
29 otherwise available in electronic form at the time the database becomes
30 active.

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

33 § 307. Records and searches. (a) All records of the department shall
34 be public. Upon request the department shall be required to make a
35 search and issue a certificate of any of its records, including
36 violations, and shall have the power to charge and collect reasonable
37 fees for searches or certificates.

38 (b) In any action to recover possession of a rental unit or to enforce
39 housing maintenance standards in county court, the court of a police
40 justice of the village, a justice court, a court of civil jurisdiction
41 in a city or a district court either (i) the visually displayed or (ii)
42 the printed computerized portfolio registration and violation files
43 maintained by the department of state pursuant to section three hundred
44 eighty-one-a of the executive law and all other computerized data as
45 shall be relevant to the enforcement of state and local laws for the
46 establishment and maintenance of housing standards, shall be prima facie
47 evidence of any matter stated therein and the courts shall take judicial
48 notice thereof as if the same were certified as true under the seal and
49 signature of the secretary of state.

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

53 3. In any action or proceeding before the housing part of the New York
54 city civil court either (a) the visually displayed or (b) the printed
55 computerized violation files of the department responsible for maintain-
56 ing such files, portfolio registration and violation files maintained by

1 the department of state pursuant to section three hundred eighty-one-a
2 of the executive law, and all other computerized data as shall be rele-
3 vant to the enforcement of state and local laws for the establishment
4 and maintenance of housing standards, including but not limited to the
5 name, address and telephone number of the present owner of the building
6 and whether or not he is a member in good standing of the rent stabili-
7 zation association or registered pursuant to the emergency tenant
8 protection act of nineteen seventy-four or the rent stabilization law of
9 nineteen hundred sixty-nine where one or more dwelling units therein are
10 subject to the rent stabilization law, shall be prima facie evidence of
11 any matter stated therein and the courts shall take judicial notice
12 thereof as if same were certified as true under the seal and signature
13 of the commissioner of that department.
14 § 4. This act shall take effect immediately.