STATE OF NEW YORK

3180

2019-2020 Regular Sessions

IN SENATE

February 4, 2019

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

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:

Section 1. The multiple dwelling law is amended by adding a new section 15 to read as follows:

§ 15. Advertisements for the use of dwelling units; required disclosures. 1. a. Any online platform offering advertisement for accommodation in a New York dwelling for a period fewer than thirty consecutive days shall include in its terms of service a clause requiring all users of any online platform to consent to the disclosure of information listed in this section to the department. Any online platform offering advertisement for accommodation in a dwelling for a period of fewer than thirty consecutive days shall submit the following information to the department before such advertisement is permitted to be listed on such platform:

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

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

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

(iv) the category of the dwelling as either a private dwelling as defined in subdivision six of section four of this chapter, class A multiple dwelling as defined in subdivision eight of section four of

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

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this article or class B multiple dwelling as defined in subdivision nine of section four of this chapter;

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

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

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

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

2. 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 "advertisement" shall mean any form of communication for marketing that is used to encourage, persuade or manipulate viewers, readers or listeners into contracting for goods and/or services as may be viewed through various media including, but not limited to, newspapers, magazines, fliers, 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.

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

§ 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 19 to read as follows:

ARTICLE 19
ADVERTISEMENTS FOR CERTAIN ACCOMMODATIONS

§ 27-287.5 Advertisements for certain accommodations. 1. a. Any online platform offering advertisement for accommodation in a New York dwelling for a period fewer than thirty consecutive days shall include in its terms of service a clause requiring all users of any online platform to consent to the disclosure of information to the mayor's office of special enforcement. Any online platform offering advertisement for accommodation in a dwelling for a period of fewer than thirty consecutive days shall submit the following information to the office before such advertisement is permitted to be listed on such platform:

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

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

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

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

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

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

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

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

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

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