

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:

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 tures. 1. a. Any online platform offering advertisement for accommo-
5 dation in a New York dwelling for a period fewer than thirty consecutive
6 days shall include in its terms of service a clause requiring all users
7 of any online platform to consent to the disclosure of information list-
8 ed in this section to the department. Any online platform offering
9 advertisement for accommodation in a dwelling for a period of fewer than
10 thirty consecutive days shall submit the following information to the
11 department before such advertisement is permitted to be listed on such
12 platform:

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

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

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

19 (iv) the category of the dwelling as either a private dwelling as
20 defined in subdivision six of section four of this chapter, class A
21 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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1 this article or class B multiple dwelling as defined in subdivision nine
2 of section four of this chapter;

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

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

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

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

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

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

22 4. Notwithstanding the provisions of section three hundred three of
23 this chapter, in a city with a population of one million or more the
24 provisions of this section shall be enforced by the mayor's office of
25 special enforcement.

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

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

38 ARTICLE 19

39 ADVERTISEMENTS FOR CERTAIN

40 ACCOMMODATIONS

41 § 27-287.5 Advertisements for certain accommodations. 1. a. Any
42 online platform offering advertisement for accommodation in a New York
43 dwelling for a period fewer than thirty consecutive days shall include
44 in its terms of service a clause requiring all users of any online plat-
45 form to consent to the disclosure of information to the mayor's office
46 of special enforcement. Any online platform offering advertisement for
47 accommodation in a dwelling for a period of fewer than thirty consec-
48 utive days shall submit the following information to the office before
49 such advertisement is permitted to be listed on such platform:

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

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

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

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

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

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

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

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

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

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