

# STATE OF NEW YORK

7288

## IN SENATE

January 16, 2020

Introduced by Sen. KAVANAGH -- 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 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 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,  
28 or two or more persons occupying a dwelling, living together and main-  
29 taining a common household, with not more than four boarders, roomers or

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

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1 lodgers. A "boarder", "roomer" or "lodger" residing with a family shall  
2 mean a person living within the household who pays a consideration for  
3 such residence and does not occupy such space within the household as an  
4 incident of employment therein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (b) the address of each registered property owned by such registered  
36 owner;

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

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

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

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

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

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

51 9. In any action to recover possession of a rental unit or to enforce  
52 housing maintenance standards in county court, the court of a police  
53 justice of the village, a justice court, a court of civil jurisdiction  
54 in a city or a district court, (a) the visually displayed or (b) the  
55 printed computerized portfolio registration and violation files main-  
56 tained by the department of state pursuant to this section and all other

1 computerized data as shall be relevant to the enforcement of state and  
2 local laws for the establishment and maintenance of housing standards,  
3 shall be prima facie evidence of any matter stated therein and the  
4 courts shall take judicial notice thereof as if the same were certified  
5 as true under the seal and signature of the secretary.

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

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

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

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

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

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

53 § 4. This act shall take effect immediately.