

# STATE OF NEW YORK

6877

2021-2022 Regular Sessions

## IN SENATE

May 20, 2021

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general obligations law, in relation to excluding certain seasonal use tenancies from the provisions regulating deposits and advances for residential dwelling units

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

1 Section 1. Paragraph (a) of subdivision 1-a of section 7-108 of the  
2 general obligations law, as added by section 25 of part M of chapter 36  
3 of the laws of 2019, is amended and two new subdivisions 4 and 5 are  
4 added to read as follows:

5 (a) No deposit or advance shall exceed the amount of one month's rent  
6 ~~[under such contract]~~ unless the deposit or advance is for a seasonal  
7 use dwelling unit as provided for in subdivisions four and five of this  
8 section.

9 4. A dwelling unit shall qualify as a seasonal use dwelling unit for  
10 the purpose of paragraph (a) of subdivision one-a of this section if it  
11 meets all of the following conditions:

12 (a) The lease expressly provides that: (i) the dwelling unit is regis-  
13 tered as a seasonal use dwelling unit, indicating the local or county  
14 government agency with which it is registered; (ii) the occupancy of the  
15 tenant is only for seasonal use not to exceed one hundred twenty days or  
16 a shorter period provided for in the lease; and (iii) such tenant has a  
17 primary residence to return to, the address of which is expressly  
18 provided in the lease.

19 (b) Such dwelling unit is registered with the appropriate local  
20 government, county, or state registry as a seasonal use dwelling as  
21 provided for in subdivision five of this section.

22 (c) Such dwelling unit is not rented as a seasonal use dwelling unit  
23 for more than one hundred twenty days during each calendar year.

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

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1     5. In order for a dwelling unit to qualify as a seasonal use dwelling  
2 unit for the purpose of paragraph (a) of subdivision one-a of this  
3 section, the local government with jurisdiction for building adminis-  
4 tration over such unit, the county in which such unit is located, or the  
5 state shall have adopted a seasonal use dwelling unit registry and such  
6 unit shall be registered by filing a copy of the seasonal use lease and  
7 such additional information as the local government, county, or state  
8 agency that administers such registry may require. Such local govern-  
9 ment, county, or state agency shall revoke the seasonal use dwelling  
10 unit registration of any dwelling unit that does not adhere to the  
11 conditions provided for in subdivision four of this section.

12     § 2. This act shall take effect immediately.