

# STATE OF NEW YORK

3198

2021-2022 Regular Sessions

## IN ASSEMBLY

January 22, 2021

Introduced by M. of A. L. ROSENTHAL, DE LA ROSA, DINOWITZ, GOTTFRIED, GLICK, CARROLL, SEAWRIGHT, PICHARDO, HEVESI, WALKER, QUART, ABBATE, DAVILA, COLTON, BARNWELL, PHEFFER AMATO, ABINANTI, D. ROSENTHAL, NIOU, BICHOTTE HERMELYN, RICHARDSON, JEAN-PIERRE, BRAUNSTEIN, WEPRIN, J. RIVERA, FERNANDEZ -- Multi-Sponsored by -- M. of A. EPSTEIN, RAMOS, SOLAGES -- read once and referred to the Committee on Housing

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 ures. 1. a. Any online platform offering advertisement for accommo-  
5 modation 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;

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

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

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

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

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

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

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

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

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

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

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

41 ARTICLE 19  
42 ADVERTISEMENTS FOR CERTAIN  
43 ACCOMMODATIONS

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

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

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

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

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

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

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

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

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

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

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