STATE OF NEW YORK

4587--A

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

Introduced by M. of A. THIELE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

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

(c) Such dwelling unit is not rented as a seasonal use dwelling unit 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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5. In order for a dwelling unit to qualify as a seasonal use dwelling unit for the purpose of paragraph (a) of subdivision one-a of this section, the local government with jurisdiction for building administration over such unit, the county in which such unit is located, or the state shall have adopted a seasonal use dwelling unit registry and such unit shall be registered by filing a copy of the seasonal use lease and such additional information as the local government, county, or state agency that administers such registry may require. Such local government, county, or state agency shall revoke the seasonal use dwelling unit registration of any dwelling unit that does not adhere to the conditions provided for in subdivision four of this section.

§ 2. This act shall take effect immediately.