§ 447-b. Short-term rental units; regulation. 1. A short-term rental host may operate a dwelling unit as a short-term rental unit provided such dwelling unit:

(a) is registered in accordance with section four hundred forty-seven-c of this article;

(b) is not used to provide single room occupancy as defined by subdivision forty-four of section four of the multiple residence law and subdivision sixteen of section four of the multiple dwelling law;

(c) includes a conspicuously posted evacuation diagram identifying all means of egress from the unit and the building in which it is located;

(d) includes a conspicuously posted list of emergency phone numbers for police, fire, and poison control;

(e) has a working fire-extinguisher;

(f) is insured by an insurer licensed to write insurance in this state or procured by a duly licensed excess line broker pursuant to section two thousand one hundred eighteen of the insurance law for a minimum of three hundred thousand dollars coverage for third party claims of property damage or bodily injury that arise out of the operation of a short-term rental unit. Such liability insurance coverage may be satisfied by insurance maintained by a booking service that provides equal or greater coverage if a short-term rental host lists a short-term rental unit with such booking service. Notwithstanding any other provision of law, no insurer shall be required to provide such coverage;

(g) is not subject to the emergency tenant protection act of nineteen seventy-four, the rent stabilization law of nineteen sixty-nine, the emergency housing rent control law, the local emergency housing rent control act or otherwise regulated or supervised by a federal, state, or local agency pursuant to any other law or rule or an agreement with such federal, state, or local agency;

(h) is in compliance with any additional health and safety requirements or any other regulatory requirements applicable to short-term rental units established by any covered jurisdiction in which such short-term rental unit is located; and

(i) is not otherwise prohibited from operating as a short-term rental unit by federal, state, or local law, rules, and regulations.

2. Short-term rental hosts shall maintain records related to guest

stays for two years following the end of the calendar year in which an individual rental stay occurred, including the date of each stay and number of guests, the cost for each stay, including an itemization of the sales tax and hotel and motel occupancy tax collected, and records related to their registration as short-term rental hosts with the county in which the short-term rental unit is located or with the multi-county registry that includes such county. Short-term rental hosts shall make such records available to local enforcement agencies for the covered jurisdiction in which the short-term rental unit is located when lawfully requested.

3. (a) Booking services shall collect data related to all short-term rental unit guest stays that the booking service facilitates within the state. Booking services shall maintain such data related to short-term rental unit guest stays that the booking service has facilitated in the state for two years following the end of the calendar year in which an individual rental stay occurred. The data maintained by booking services shall include the dates of each stay and the number of guests, the cost for each stay, including an itemization of the sales tax and hotel and motel occupancy tax collected, the physical address, including any unit designation, of each short-term rental unit booked, the full legal name of each short-term rental unit host, and each short-term rental unit's registration number. Beginning ninety days after the effective date of this article, and on the first day of every January, April, July, and October thereafter, the booking service shall report such data to each county within which any short-term rental unit included in such data is located. In the event a booking service does not comply with its reporting obligations pursuant to this subdivision, or more information is requested by the attorney general or a covered jurisdiction or any of such covered jurisdiction's enforcement agencies, then the data required to be reported pursuant to this subdivision and all relevant records from a booking service shall be produced in response to valid legal process. The county which has received such data from a booking service shall share such data with all city, town, or village governments located within such county within sixty days of receiving such data and shall make such data available to city, town, or village enforcement agencies upon request. Such data and any records provided to generate

such data shall not be made publicly available.

(b) Booking services may require short-term rental hosts, as a term or condition of service, to consent to booking services producing data pursuant to paragraph (a) of this subdivision.

(c) Nothing in this subdivision shall prevent a county, city, town, or village that is not a covered jurisdiction from establishing, amending, or maintaining its own booking service reporting obligations, nor shall this subdivision supersede any existing booking service reporting obligations in a county, city, town, or village that is not a covered jurisdiction.

4. It shall be unlawful for a booking service to collect a fee for facilitating booking transactions for short-term rental units if the booking service has not verified with the county in which the short-term rental unit is located or multi-county registry that includes such county the short-term rental unit and its owner or tenant have been issued a current, valid registration by the county in which the short-term rental unit is located or by the multi-county registry that includes such county.

5. Nothing in subdivisions one, two, or subdivision four of this section, or in paragraph (a) of subdivision three of this section shall require a short-term rental host or booking service to comply with the requirements of such subdivisions and paragraph before such time as a county has established a registry or multi-county registry pursuant to paragraph (a) of subdivision one of section four hundred forty-seven-c of this article.

6. The provisions of this article shall apply to all short-term rental units; provided, however, that a county, city, town, or village, including but not limited to a city with a population of one million or more, that has its own short-term rental unit or non-covered short-term rental unit registry or its own registration system for short-term rentals of dwelling units or other living or sleeping spaces, with the coverage and requirements of such registration system as established pursuant to local law, as of the effective date of this article may continue such registry or registration system and all short-term rental

units or non-covered short-term rental units in such county, city, town, or village shall only register with such county, city, town or village as provided in a local law, rule, or regulation and shall not be required to register pursuant to this article. Counties, cities, towns, and villages, including but not limited to a city with a population of one million or more, with such registries as of the effective date of this article shall maintain the authority to manage, amend, repeal, and establish requirements and regulations for such existing registries and to impose and collect fines or otherwise enforce violations related to such registries. Where a county, city, town, or village, including but not limited to a city with a population of one million or more, has such a registry as of the effective date of this article, nothing in this article shall prevent such county, city, town, or village from enacting and enforcing local laws or ordinances which meet or exceed the standards or requirements set forth in this article.

7. No city, town, or village shall create its own short-term rental unit or non-covered short-term rental unit registry after the effective date of this article unless such city, town or village is not a covered jurisdiction and is not located within a covered jurisdiction. A city, town, or village which is not a covered jurisdiction and which is not located within a covered jurisdiction may create such a registry. Nothing in this article shall prevent a city, town, or village that is not a covered jurisdiction and is not located within a covered jurisdiction from enacting and enforcing local laws or ordinances which meet or exceed the standards or requirements set forth in this article.