



Legislation Text

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Int. No. 2309

By Council Members Kallos, Rivera, Rosenthal, Reynoso, Gibson, Powers, Ayala, Brannan, Gennaro, Moya, Adams, Dromm, Levine, Salamanca, Holden, Dinowitz, Treyger, Koslowitz, Riley and Feliz

A Local Law to amend the administrative code of the city of New York, in relation to requiring registration for short-term rentals and booking services

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 30 to read as follows:

CHAPTER 30

REGISTRATION REQUIREMENTS FOR SHORT-TERM RENTALS
AND BOOKING SERVICES

§ 26-3001 Definitions.

§ 26-3002 Short-term rental registration.

§ 26-3003 Posting and advertising requirements.

§ 26-3004 Registration verification system.

§ 26-3005 Booking service registration.

§ 26-3006 Exemptions.

§ 26-3007 Penalties; revocation and suspension of registrations.

§ 26-3001 Definitions. As used in this chapter:

Administering agency. The term “administering agency” means the office of special enforcement, as established under executive order number 96 for the year 2006, or such other agency as the mayor may designate by executive order.

Booking platform. The term “booking platform” means one or more online, computer or application-based platforms that individually or collectively can be used to (i) list or advertise offers for short-term rentals and (ii) either accept such offers, or reserve or pay for such rentals.

Booking service. The term “booking service” shall have the meaning ascribed to such term by section 26-2101, as added by local law number 146 for the year 2018.

Directly or indirectly. The term “directly or indirectly” shall have the meaning ascribed to such term by section 26-2101, as added by local law number 146 for the year 2018.

Dwelling unit. The term “dwelling unit” shall have the meaning ascribed to such term by section 26-2101, as added by local law number 146 for the year 2018.

§ 26-3002 Short-term rental registration. a. It shall be unlawful for a person to offer, manage or administer a short-term rental at a dwelling unit or housing accommodation, or part thereof, in the city unless such person has been issued a short-term rental registration, including a unique short-term rental registration number, for such unit or accommodation pursuant to this section.

b. A person shall apply for a short-term rental registration for a dwelling unit or housing accommodation before such unit or accommodation, or part thereof, is advertised or otherwise offered for short-term rental.

c. The form and manner of applying for a short-term rental registration or renewal thereof shall be established by rules of the administering agency, except that no short-term rental registration or renewal thereof may be issued for such unit or accommodation unless:

1. The applicant has established to the satisfaction of the administering agency that:

(a) The amount that may be charged and collected as rent for such unit is not regulated by the emergency tenant protection act of 1974, the rent stabilization law of 1969, the local emergency housing rent control act of 1962 or any other law or rule or an agreement with a governmental entity;

(b) Such applicant is the lawful occupant of such unit or accommodation;

(c) Such applicant is the owner of such unit or accommodation or has the written consent of such owner to apply for a short-term rental registration for such unit or accommodation and to subsequently offer, manage or administer a short-term rental at such unit or accommodation;

(d) Such applicant is not prohibited by the terms of a lease or other agreement from applying for a short-

term rental registration for such unit or accommodation and from subsequently offering, managing or administering a short-term rental at such unit or accommodation;

(e) Such applicant has described, in a form acceptable to the administering agency, any parts of the premises containing such unit or accommodation that a person occupying a short-term rental at such unit or accommodation will be allowed to occupy or use;

(f) For each part of such premises described pursuant to subparagraph (e), such applicant (i) is the owner of such part or has the written consent of the owner of such part to allow a person occupying a short-term rental at such unit or accommodation to occupy or use such part and (ii) is not prohibited by the terms of a lease or other agreement from allowing a person occupying a short-term rental at such unit or accommodation to occupy or use such part;

2. The applicant has submitted a signed and notarized certification in a form acceptable to the administering agency attesting that there are no outstanding hazardous or immediately hazardous violations of the housing maintenance code or rules promulgated pursuant thereto, major or immediately hazardous violations of the New York city construction codes or rules promulgated pursuant thereto, violations of the New York city fire code or rules promulgated pursuant thereto or violations of such other law or rule as the administering agency may identify by rule, relating to (i) such unit or accommodation or any part of such premises described pursuant to subparagraph (e) of paragraph 1 or (ii) such premises in a manner that would reasonably be expected to affect the health or safety of a person occupying a short-term rental at such unit or accommodation;

3. The applicant has submitted a certification from (i) a person licensed and registered to practice the profession of architecture under the education law, (ii) a person licensed and registered to practice the profession of engineering under the education law or (iii) a person approved pursuant to rules promulgated by the administering agency to conduct inspections and issue certifications pursuant to this paragraph, attesting that such unit or accommodation and each part of such premises described pursuant to subparagraph (e) of

paragraph 1 meet the requirements of all applicable city, state, and federal laws, rules and regulations; provided that nothing in this chapter shall be deemed to authorize the city to conduct an inspection of such unit or accommodation or a part of such premises described pursuant to subparagraph (e) of paragraph 1 without the consent of the owner or occupant thereof, in the absence of a warrant duly issued by a court of competent jurisdiction; and

4. The applicant has paid an application or renewal fee in an amount to be established by rule of the administering agency.

d. A short-term rental registration or renewal thereof shall be valid for a period of one year from the date of issuance unless terminated sooner.

e. A short-term rental registration or renewal thereof is not transferable.

f. If the information provided by an applicant in connection with an application for a short-term rental registration or renewal thereof changes before expiration of such registration or renewal thereof, such applicant shall submit such changes to the administering agency in a time, form and manner established by the administering agency.

g. The administering agency shall by rule establish a process for an applicant who is denied a short-term rental registration or renewal thereof to appeal such denial, including (i) an opportunity to be heard with respect to such denial and (ii) the time, form and manner in which such applicant may after such denial re-apply for a short-term rental registration or renewal thereof.

h. A person who offers, manages or administers a short-term rental at a dwelling unit or housing accommodation, or part thereof, in the city shall create and maintain, for at least seven years after such short-term rental, a written or electronic transaction record for each such short-term rental including:

1. The date or dates of such short-term rental;
2. A copy of the short-term rental registration for such unit or accommodation;
3. The short-term rental registration number for such unit or accommodation;

4. The physical address of such unit or accommodation, including the street name, street number, apartment or unit number, borough or county, and zip code; and

5. The rent charged and collected for such short-term rental.

§ 26-3003 Posting and advertising requirements. a. A person who offers, manages or administers a short-term rental at a dwelling unit or housing accommodation, or part thereof, in the city shall, in a form and manner established by the administering agency, conspicuously post and maintain within such unit or accommodation, during each short-term rental thereof, (i) a diagram indicating normal and emergency egress routes from such unit or accommodation and the premises containing such unit or accommodation and (ii) a copy of the short-term rental registration for such unit or accommodation.

b. Such person shall include in any advertisement or other offer for short-term rental of such unit or accommodation, or part thereof, the short-term registration number for such unit or accommodation.

§ 26-3004 Registration verification system. a. The administering agency shall create and maintain an electronic system that a booking service may use to (i) verify whether a short-term rental registration has been issued for a dwelling unit or housing accommodation in the city and (ii) obtain a unique confirmation number reflecting that such verification has occurred.

b. The administering agency may by rule establish a fee to charge and collect from a booking service for use of such system.

§ 26-3005 Booking service registration. a. It shall be unlawful for a booking service to charge, collect or receive a fee from a person for the use of a booking platform directly or indirectly provided by such booking service, or for provision of any service, in connection with a short-term rental at a dwelling unit or housing accommodation, or part thereof, in the city unless (i) such booking service has been issued a booking service registration pursuant to this section, (ii) such person provides such booking service with a copy of the short-term rental registration, including the short-term rental registration number, for such unit or accommodation and (iii) such booking service has used the system established pursuant to section 26-3003 to verify such short-

term rental registration number and has obtained a unique confirmation number reflecting that such verification has occurred.

b. The form and manner of applying for a booking service registration or renewal thereof shall be established by rules of the administering agency.

c. A booking service registration or renewal thereof shall be valid for a period of two years from the date of issuance unless terminated sooner.

d. A booking service registration or renewal thereof is not transferable.

e. If the information provided by an applicant in connection with an application for a booking service registration or renewal thereof changes before expiration of such registration or renewal thereof, such applicant shall submit such changes to the administering agency in a time, form and manner established by the administering agency.

f. The administering agency shall by rule establish a process for an applicant who is denied a booking service registration or renewal thereof to appeal such denial, including (i) an opportunity to be heard with respect to such denial and (ii) the time, form and manner in which such applicant may after such denial re-apply for a booking service registration or renewal thereof.

g. 1. For each transaction in which a booking service charges, collects or receives a fee, directly or indirectly, for activity described in the definition of booking service in relation to a short-term rental, such booking service shall create and maintain, for at least seven years after the date on which such transaction is executed, an electronic transaction record that includes:

(a) The date of such transaction;

(b) A copy of the short-term rental registration for the dwelling unit or housing accommodation associated with such short-term rental;

(c) The short-term rental registration number for such unit or accommodation;

(d) The unique confirmation number obtained by such booking service for verifying such short-term

rental registration number using the system established pursuant to section 26-3003;

(e) The physical address of such unit or accommodation, including the street name, street number, apartment or unit number, borough or county, and zip code; and

(f) The amount of such fee.

2. In each month, or less frequently as determined by the administering agency, and in a time, manner and form established by rules of the administering agency, such booking service shall electronically submit to the administering agency each electronic transaction record associated with a transaction that occurred during the preceding reporting period.

§ 26-3006 Exemptions. The provisions of this chapter shall not apply to short-term rental of a dwelling unit or housing accommodation, or part thereof, within a class B multiple dwelling on the list published pursuant to section 26-2103, as added by local law number 146 for the year 2018.

§ 26-3007 Penalties; revocation and suspension of registrations. a. 1. For each short-term rental that a person offers, manages or administers at a dwelling unit or housing accommodation, or part thereof, in violation of subdivision a of section 26-3002 or for which such person fails to create and maintain a written or electronic transaction record pursuant to subdivision h of such section, such person shall be liable to the city for a civil penalty of not more than \$15,000 or, if such person has not violated such subdivision in the five years preceding such violation, not more than \$7,500; provided that if such person can establish the duration of such short-term rental and the total rent charged and collected for such short-term rental, such civil penalty shall be not more than the greater of (i) \$500 for each day of such short-term rental or three times such rent or (ii) if such person has not violated such subdivision in the five years preceding such violation, \$250 for each day of such short-term rental or 1.5 times such rent.

2. A person who fails to provide information changes in compliance with subdivision f of section 26-3002 shall be liable to the city for a civil penalty of not more than \$250 or, if such person has not violated such subdivision in the five years preceding such violation, not more than \$125.

b. 1. For each transaction in which a booking service charges, collects or receives a fee, directly or indirectly, for activity described in the definition of booking service in relation to a short-term rental in violation of subdivision a of section 26-3005 or for which such booking service fails to create, maintain or submit an electronic transaction record for such transaction pursuant to subdivision g of such section, such booking service shall be liable to the city for a civil penalty of not more than \$1,500; provided that if such booking service can establish the amount of such fee, such civil penalty shall be not more than three times such fee.

2. If a booking service fails to provide information changes in compliance with subdivision e of section 26-3005 relating to an application for a booking service registration or renewal thereof, such booking service shall be liable to the city for a civil penalty of not more than the greater of \$10,000 or two times the applicable fee for such registration or renewal thereof.

c. The civil penalties established by this section may be recovered in a proceeding before the office of administrative trials and hearings or a court of competent jurisdiction.

d. The administering agency shall by rule establish a process for (i) suspending and subsequently restoring a short-term registration or booking service registration for a person or booking service who intentionally, recklessly or repeatedly violates the requirements of this chapter, (ii) revoking the short-term registration or booking service registration of, and barring further issuance of such a registration to, a person or booking service who continues to intentionally, recklessly or repeatedly violate the requirements of this chapter after previously being subjected to a suspension pursuant to this subdivision and (iii) appealing such a suspension or revocation, including an opportunity for such person or booking service to be heard with respect to such suspension or revocation.

§ 2. This local law takes effect 180 days after it becomes law, except that the head of the administering agency, as such term is defined in section 26-3001 as added by this local law, shall take such actions as are necessary for its implementation, including the promulgation of rules, before such date.

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