



Legislation Text

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By Council Members Menin, Hudson, De La Rosa, Abreu, Feliz, Won, Banks, Schulman, Krishnan, Lee, Gutiérrez, Moya, Brannan, Gennaro, Williams, Ung, Ossé, Zhuang, Joseph, Powers, Sanchez, Bottcher, Avilés, Restler, Dinowitz, Nurse, Mealy, Louis, Ayala, Rivera, Cabán, Hanif, Riley, Salaam, Brewer, Salamanca and Ariola (in conjunction with the Queens and Manhattan Borough Presidents)

A Local Law to amend the administrative code of the city of New York, in relation to licensing hotels

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 38 to read as follows:

SUBCHAPTER 38

HOTELS

§ 20-565 Definitions.

§ 20-565.1 Hotel license; application; fee.

§ 20-565.2 Issuance, denial, renewal, suspension and revocation of license.

§ 20-565.3 Display of license; facilities and inspections.

§ 20-565.4 Service requirements and prohibitions.

§ 20-565.5 Direct Employment.

§ 20-565.6 Panic buttons.

§ 20-565.7 Chemical injury prevention.

§ 20-565.8 Retaliatory actions by hotels; prohibition.

§ 20-565.9 Penalties.

§ 20-565.10 Rulemaking.

§ 20-565.11 Severability.

§ 20-565 Definitions. As used in this subchapter, the following terms have the following meanings:

Airport hotel. The term “airport hotel” means a hotel within one mile of either LaGuardia Airport or John F. Kennedy International Airport.

Continuous coverage. The term “continuous coverage” means scheduling staff 24 hours a day every day

on any day that the hotel is occupied by a transient guest.

Core employee. The term “core employee” means any employee whose job classification is related to housekeeping, front desk, or front service at a hotel. Such classifications include, but are not limited to, room attendants, house persons, and bell or door staff. Such classifications shall not include: laundry and valet employees; reservation agents and telephone operators; engineering and maintenance employees; specialty cleaning employees, including marble polishers, crystal lighting cleaners, aquarium cleaners, night cleaners and exterior window washing; parking employees; security employees; life guards; spa, gym and health club employees; minibar employees; audio-visual employees; and cooks, stewards, bartenders, servers, bussers, barbacks, room service attendants or other employees who primarily work in the food or beverage service operations of the hotel regardless of whether such employees are directly employed by the hotel or by another person.

Front desk. The term “front desk” means on-site staff in a hotel that are available to guests who may check-in or reserve a guest room.

Guest room. The term “guest room” means a room made available or used by a hotel for transient occupancy by guests, but does not include rooms not available or used for transient occupancy, including Single Room Occupancy units and residential units. A single guest room may be comprised of several interconnected rooms, such as a bathroom, a living room, or multiple bedrooms in the case of suites.

Hotel. The term “hotel” means a hotel that is legally authorized to have guests occupy guest rooms.

Hotel operator. The term “hotel operator” means any person or entity who owns, leases, or manages a hotel and is in control of the day-to-day operations of the hotel, including employment of the employees by virtue of their ownership, management agreement, lease, or other legal construct.

Large hotel. The term “large hotel” means a hotel with more than 400 guest rooms.

Occupied. The term “occupied” means that a guest is currently checked-in to an occupied guest room.

Panic button. The term “panic button” means a help or distress signaling system a person may activate

in order to alert hotel security staff that such person is in danger, and which provides the hotel security staff with the location of such person.

Person. The term “Person” means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, trustee in bankruptcy, receiver or other entity that may employ persons or enter into service contracts, but does not include the city of New York, the state of New York, and the federal government or any other governmental entity, or any individual or entity managing real property for a governmental entity.

Security guard. The term “security guard” means a person that is licensed by and registered in New York state to work as a security guard under article 7-a of the general business law.

§ 20-565.1 Hotel license; application; fee. a. License required. It shall be unlawful to operate a hotel without a valid license as herein prescribed for such hotel. All licenses, subject to Section 20-565.2(b) hereof, shall be valid for two years from issuance by the commissioner. The fee for such license and the renewal therefor shall be \$200.

§ 20-565.2 Issuance, denial, renewal, suspension and revocation of license. a. A license to operate a hotel shall be granted in accordance with the provisions of this title.

b. The application shall provide information regarding the identity of the hotel operator. The applicant shall also provide information to establish that it has adequate procedures and safeguards to ensure compliance with this subchapter. The provisions of this section shall be satisfied by a collective bargaining agreement that expressly incorporates the requirements of this subchapter. Such satisfaction shall continue for the longer of the duration of the collective bargaining agreement or ten years from date of the application, provided that the hotel shall notify the commissioner if such agreement is modified to remove the incorporation of the requirements of this subchapter. Nothing in this subchapter shall be deemed to diminish the rights, privileges, or remedies of any employee under any collective bargaining agreement.

c. A Hotel license shall not be assignable, except for transfers made in accordance with section 22-510.

d. A licensee who has submitted the application forms and fees required to renew their license pursuant to this subchapter shall be permitted to operate a hotel until they receive a determination from the commissioner. Failure by the commissioner to make a determination prior to the expiration date of an applicant's license shall not be cause to cease operation of a hotel.

e. Prior to any revocation, the commissioner shall first notify the licensee of an anticipated revocation in writing and afford the licensee thirty days from the date of such notification to correct the condition. The commissioner shall notify the licensee of such thirty-day period in writing. If the licensee proves to the satisfaction of the commissioner that the condition has been corrected within such thirty-day period, the commissioner shall not revoke such license. The commissioner shall permit such proof to be submitted to the commissioner electronically or in person. The licensee may seek review by the commissioner of the determination that the licensee has not submitted such proof within fifteen days of receiving written notification of such determination.

f. Neither the existence of service disruptions as defined in section 20-850 nor any remedied violations pursuant to section 20-851 shall constitute a basis for the commissioner to fail to approve, deny, suspend, revoke or fail to renew a license hereunder.

§ 20-565.3 Display of license; facilities and inspections. a. Each licensee shall conspicuously display a true copy of the license issued pursuant to this subchapter in areas where other legally required hotel notices are displayed.

b. The commissioner may inspect a hotel for violations of this subchapter and rules promulgated pursuant to this subchapter.

§ 20-565.4 Service requirements and prohibitions. a. Front desk staffing. 1. Each hotel must maintain continuous coverage of a front desk, provided that on the overnight shift such staffing will be deemed satisfied if the hotel operator has scheduled an overnight security guard who is able to assist guests and has undergone human trafficking recognition training in accordance with this subchapter.

2. The staff required pursuant to paragraph 1 of subdivision a of this section must be available to confirm the identity of guests checking in.

b. Security staffing. 1. Each hotel must maintain safe conditions for guests and hotel workers.

2. Each large hotel must maintain continuous coverage of at least one security guard on premises while any guest room in such hotel is occupied.

c. Guest room cleanliness. 1. Each hotel must maintain the cleanliness of guest rooms, sanitary facilities, and hotel common areas.

2. Every guest room must be provided with clean towels, sheets, and pillowcases prior to occupancy by a new guest.

3. An occupied guest room's towels, sheets, and pillowcases must be replaced daily with clean towels, sheets, and pillowcases upon request by the occupying guest.

4. An occupied guest room must be cleaned, and trash must be removed daily unless the guest affirmatively declines such services for such day. Hotels may not impose or collect any fee or charge for daily room cleaning nor offer any discount or incentive to forgo daily room cleaning.

d. Prohibition against short duration bookings. A hotel, other than an airport hotel, may not book guest rooms for durations less than 4 hours.

e. Prohibition against facilitating human trafficking. A hotel may not permit its premises to be used for the purposes of human trafficking.

§ 20-565.5 Direct employment a. Direct employment required for core employees. A hotel owner must directly employ all core employees, except as provided in this section.

b. All core employees must undergo human trafficking recognition training in accordance with section 205 of the general business law. Hotel operators must submit the certificate of training to the commissioner within 90 days of employment.

c. Contracting to any third parties for core employees, including staffing agencies or other contractors or subcontractors, is not permitted except that a hotel owner may retain a single manager to manage all hotel operations involving core employees at a hotel on the hotel owner's behalf, which includes employment of core employees of the hotel by the hotel operator. Where a hotel owner retains a manager in accordance with this subsection, a hotel owner need not be a direct employer of core employees.

d. Subdivisions a and c of this section shall not invalidate any agreement of a fixed duration between a hotel and contractor or subcontractor which agreement was in effect and enforceable as of September 18, 2024, for the duration of such agreement. Any contractor or subcontractor with such agreement shall, within thirty days after the effective date of this local law, notify all of its affected employees of the duration of the agreement and that, in accordance with 22-510, upon the termination of the agreement such employees shall be offered employment by the hotel operator. Such notice shall be in addition to any notices required by paragraph 1 of subdivision b of section 22-510. In accordance with section 22-510, any contractor or subcontractor without such agreement shall notify all of its affected employees that they must be offered employment by the hotel operator no less than fifteen days before the effective date of this local law.

§ 20-565.6 Panic buttons. a. Hotel operators must provide panic buttons to all core employees that enter occupied guest rooms.

§ 20-565.7 Chemical injury prevention. a. Each hotel operator shall provide all employees with information on hazardous chemicals in their work area at the time of their initial job assignment and whenever a new physical or health hazard related to chemical exposure is introduced into work areas by the hotel operator. Such information shall be provided in each language spoken by ten or more hotel employees with limited English proficiency.

§ 20-565.8 Retaliatory actions by hotels; prohibition. a. A hotel operator shall not take any retaliatory action against a hotel employee, whether or not within the scope of the hotel employee's job duties, because such employee does any of the following:

1. discloses, or threatens to disclose to a supervisor or to a public body any specific activity, policy, or practice of the hotel operator that the employee reasonably and in good faith believes is in violation of this chapter or that the employee reasonably and in good faith believes poses a substantial and specific danger to the public health or safety; or

2. provides information to, or testifies before, any public body conducting an investigation, hearing, or inquiry into any such activity, policy, or practice by such hotel operator; or

3. objects to, or refuses to participate in any such activity, policy, or practice provided that the hotel employee has a reasonable, good faith belief that such activity, policy or practice subjects the employee to unusually dangerous conditions which are not normally part of the employee's job.

b. Any person alleging a violation of the provisions of this section may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction.

c. Such court may order compensatory, injunctive and declaratory relief, and reasonable attorney's fees.

d. A civil action under this section shall be commenced within six months of the date the person knew or should have known

of the alleged violation.

e. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the department. Failure to so serve a notice does not adversely affect any person's cause of action.

§ 20-565.9 Penalties. a. A licensee who violates or causes another person to violate a provision of this subchapter or any rule promulgated pursuant to such subchapter, in addition to any other applicable penalties provided in this title, shall be subject to a civil penalty as follows:

1. for the first violation, a civil penalty of \$500;

2. for the second violation issued for the same offense within a period of two years of the date of the first violation, a civil penalty of \$1,000;

3. for the third violation issued for the same offense within a period of two years of the date of the first violation, a civil penalty of \$2,500; and

4. for the fourth and any subsequent violations issued for the same offense within a period of two years of the date of the first violation, a civil penalty of \$5,000.

b. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a summons or notice of violation, which shall be returnable to the office of administrative trials and hearings.

§ 20-565.10 Rulemaking. The commissioner shall promulgate such rules as the commissioner deems necessary to reasonably effectuate the provisions of this subchapter.

§ 20-565.11 Severability. If any portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§ 2. This local law takes effect 180 days after it becomes law.