

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2020**

No. 64

Introduced by Council Members Rivera and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to requiring booking services to report short-term housing rental transactions

Be it enacted by the Council as follows:

Section 1. Section 26-2101 of the administrative code of the city of New York, as added by local law number 146 for the year 2018, is amended by adding a new definition of “qualifying listing” in alphabetical order to read as follows:

Qualifying Listing. The term “qualifying listing” means a listing or advertisement that offers a short-term rental via a booking service, and:

- 1. such listing or advertisement offers or appears to offer the short-term rental of an entire dwelling unit or housing accommodation, or*
- 2. such listing or advertisement offers or appears to offer a short-term rental for three or more individuals at the same time.*

§ 2. Section 26-2102 of the administrative code of the city of New York, as added by local law number 146 for the year 2018, is amended to read as follows:

§ 26-2102 Requirements for booking services. a. A booking service shall periodically submit to the administering agency a report of transactions *associated with a qualifying listing* for which the booking service charged, collected or received a fee, directly or indirectly, for activity

described in the definition of booking service. Each short-term rental associated with such fee is considered to be a separate transaction. The report shall be submitted in a time, manner and form established by such agency, including but not limited to, electronic submission in a format established by such agency. The report shall be submitted on a [monthly] *quarterly* basis, or less frequently as determined by such agency. *A booking service need not report any information for transactions associated with a qualifying listing when all such transactions within a reporting period result in the rental of a dwelling unit or housing accommodation for an aggregate of four days or less.* Such report shall include the following information for each such transaction or, in instances where such information is unavailable to the booking service, an explanation of why such information is unavailable:

(1) The physical address of the short-term rental associated with such transaction, including the street name, street number, apartment or unit number, borough or county, and zip code;

(2) The full legal name, physical address, phone number and email address of the host of such short-term rental and the uniform resource locator (URL) and the individualized name and number of such host on such booking service's platform;

(3) The individualized name and number and the URL of [such advertisement or] *the associated qualifying* listing;

(4) A statement as to whether such short-term rental transaction involved (i) short-term rental of the entirety of a dwelling unit or housing accommodations in a building or (ii) short-term rental of part of such unit or housing accommodations;

(5) The total number of days that the dwelling unit, part thereof or housing accommodations in a building were rented as a short-term rental through such booking service's platform;

[(6) The total amount of fees received by such booking service for such short-term rental;]
and

[(7)] (6) If such booking service collects rent for short-term rentals on behalf of such host, (i) the total amount of such rent received by such booking service and transmitted to such host and (ii) the account name and consistently anonymized identifier for the account number for the account used by such host to receive payments from such booking service or, if such booking service provides an explanation why such anonymized identifiers are unavailable, the account name and account number for such account.

b. A booking service shall obtain, from each host using such booking service to offer, manage or administer a short-term rental, lawful consent to provide the information described in subdivision a to the administering agency. Obtaining lawful consent may include, but is not limited to, advising or providing notice to a user of the booking service that new or continuing use of such booking service as a host constitutes consent to such disclosure. It shall not be a defense to a violation of subdivision a that the booking service did not obtain consent.

§ 3. Section 26-2104 of the administrative code of the city of New York, as added by local law number 146 for the year 2018, is amended to read as follows:

§ 26-2104 Penalties. A booking service that fails to submit a report in compliance with subdivision a of section 26-2102 shall be liable for a civil penalty, to be assessed once per reporting period for each [set of records corresponding to a listing which] *qualifying listing for which any of the information required pursuant to section 26-2102* is missing, incomplete or inaccurate. The civil penalty shall not be more than the greater of \$1,500 or the total fees collected during the preceding year by the booking service for transactions related to the *qualifying* listing.

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.

§ 4. This local law takes effect 180 days after it becomes law, except that (i) the head of the administering agency, as such term is defined in section 26-2101 of the administrative code of the city of New York, may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date and (ii) the mayor may designate an administering agency, as such term is defined in such section, before such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on June 25, 2020 and approved by the Mayor on July 7, 2020.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 64 of 2020, Council Int. No. 1976 of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council and approved by the Mayor.

STEPHEN LOUIS, Acting Corporation Counsel.