The New York City Council

City Hall
New York, NY 10007

Legislation Details (With Text)

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Type:	Introduction		**Status:**	Enacted
			In control:	Committee on Housing and Buildings
On agenda:	6/7/2018			
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Title: A Local Law to amend the administrative code of the city of New York, in relation to the regulation of short-term residential rentals

Sponsors: Carlina Rivera, Laurie A. Cumbo, Helen K. Rosenthal, Corey D. Johnson, Adrienne E. Adams, Alicka Ampry-Samuel, Diana I. Ayala, Justin L. Brannan, Margaret S. Chin, Andrew Cohen, Costa G. Constantinides, Chaim M. Deutsch, Ruben Diaz, Sr., Daniel Dromm, Rafael L. Espinal, Jr., Mathieu Eugene, Mark Gjonaj, Barry S. Grodenchik, Ben Kallos, Andy L. King, Karen Koslowitz, Rory I. Lancman, Brad S. Lander, Mark Levine, Alan N. Maisel, Carlos Menchaca, Francisco P. Moya, Keith Powers, Antonio Reynoso, Donovan J. Richards, Ydanis A. Rodriguez, Deborah L. Rose, Rafael Salamanca, Jr., Ritchie J. Torres, Mark Treyger, Jumaane D. Williams, Fernando Cabrera, James G. Van Bramer, Robert F. Holden, Peter A. Koo, I. Daneek Miller, Robert E. Cornegy, Jr., Vanessa L. Gibson, Bill Perkins, Stephen T. Levin

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Date	Ver.	Action By	Action	Result
6/7/2018	*	City Council	Introduced by Council	
6/7/2018	*	City Council	Referred to Comm by Council	
6/26/2018	*	Committee on Housing and Buildings	Hearing Held by Committee	
6/26/2018	*	Committee on Housing and Buildings	Laid Over by Committee	
7/18/2018	*	Committee on Housing and Buildings	Hearing Held by Committee	
7/18/2018	*	Committee on Housing and Buildings	Amendment Proposed by Comm	
7/18/2018	*	Committee on Housing and Buildings	Amended by Committee	
7/18/2018	A	Committee on Housing and Buildings	Approved by Committee	Pass
7/18/2018	A	City Council	Approved by Council	Pass
7/18/2018	A	City Council	Sent to Mayor by Council	
8/6/2018	A	Mayor	Hearing Held by Mayor	
8/6/2018	A	Mayor	Signed Into Law by Mayor	

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8/7/2018 A City Council Recved from Mayor by Council

Int. No. 981-A

By Council Members Rivera, Cumbo, Rosenthal, the Speaker (Council Member Johnson), Adams, Ampry-Samuel, Ayala, Brannan, Chin, Cohen, Constantinides, Deutsch, R. Diaz, Dromm, Espinal, Eugene, Gjonaj, Grodenchik, Kallos, King, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Moya, Powers, Reynoso, Richards, Rodriguez, Rose, Salamanca, Torres, Treyger, Williams, Cabrera, Van Bramer, Holden, Koo, Miller, Cornegy, Gibson, Perkins and Levin

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of short-term residential rentals

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended to add a new chapter 21 to read as follows:

CHAPTER 21
SHORT-TERM RESIDENTIAL RENTALS

§ 26-2101 Definitions.
§ 26-2102 Requirements for booking services.
§ 26-2103 Exemptions for certain class B multiple dwellings.
§ 26-2104 Penalties.

§ 26-2101 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 service. The term "booking service" means a person who, directly or indirectly:

1. Provides 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; and

2. Charges, collects or receives a fee for the use of such a platform or for provision of any service in

connection with a short-term rental.

A booking service shall not be construed to include a platform that solely lists or advertises offers for short-term rentals.

Building. The term "building" means a building as defined in the New York city building code that is located in the city.

Class B multiple dwelling. The term "class B multiple dwelling" shall have the meaning ascribed to such term in the housing maintenance code.

Directly or indirectly. The term "directly or indirectly" means a person acting directly or indirectly through any subsidiary or affiliate thereof to perform the activity described in the definition of booking service.

Dwelling unit. The term "dwelling unit" means a dwelling unit, as such term is defined in the housing maintenance code, that is located in a building within the city.

Host. The term "host" means a person other than a booking service, including a co-host, who uses a booking service to offer, manage or administer a short-term rental.

Short-term rental. The term "short-term rental" means a rental for occupancy of fewer than 30 consecutive days of (i) a dwelling unit or part thereof or (ii) housing accommodations within a building.

§ 26-2102 Requirements for booking services. a. A booking service shall periodically submit to the administering agency a report of transactions 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 basis, or less frequently as determined by such agency. 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:

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(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 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) 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.

§ 26-2103 Exemptions for certain class B multiple dwellings. The administering agency shall publish a

list of class B multiple dwellings lawfully used for transient occupancy, as compiled by such agency. The provisions of subdivisions a and b of section 26-2102 shall not apply to short-term rental of a dwelling unit or part thereof or of housing accommodations within a building in a class B multiple dwelling on such published list. Such agency shall promulgate rules that (i) establish a process for an owner of a class B multiple dwelling to have such multiple dwelling included on such list and (ii) provide for the review and updating of such list no less than every six months. The administering agency shall revise such list when notified of an error by the department of buildings or other agency.

§ 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 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 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.

§ 26-2105 Privacy. a. Information reported pursuant to section 26-2102 shall be available for public review only to the extent required by federal, state and local law.

b. The administering agency shall establish rules governing retention and disposal of information obtained pursuant to this chapter.

§ 2. 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, as added by this local law, 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.

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