



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, Brooks-Powers, Narcisse, Fariás 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. 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 24 hours a day on any day that the hotel is occupied by a 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; concierge, 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 operator or by another person.

Directly employ. The term “directly employ” or “direct employment” means a relationship between an employer and an employee in which there is no intermediary in such relationship.

Employee. The term "employee" means any person covered by the definition of "employee" set forth in subdivision 5 of section 651 of the labor law or by the definition of "employee" set forth in subsection (e) of section 203 of title 29 of the United States code and who is employed within the city. Notwithstanding any other provision of this section, the term "employee" does not include any person who is employed by (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state, including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

Employer. The term "employer" means any person or entity covered by the definition of "employer" set forth in subdivision 6 of section 651 of the labor law or any person or entity covered by the definition of "employer" set forth in in subsection (d) of section 203 of title 29 of the United States code. Notwithstanding any other provision of this section, the term "employer" does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

Front desk. The term “front desk” means on-site staff in a hotel that are available to assist guests who

may check-in or reserve a guest room.

Guest room. The term “guest room” means a room, including an interconnected room or a suite, made available or used by a hotel for transient occupancy by guests, but does not include a room not available or used for transient occupancy, including but not limited to, a single room occupancy unit and a residential unit.

Hotel. The term “hotel” means a building, as defined in section 12-10 of the New York city zoning resolution, or part of such building, which is legally authorized to have guests occupy guest rooms.

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

Hotel owner. The term “hotel owner” or “owner” means the owner or owners of the hotel.

Human trafficking. The term “human trafficking” shall mean an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the penal law, child sex trafficking, as defined in section 230.34-a of the penal law, accomplice to sex trafficking, as defined in section 230.36 of the penal law, or labor trafficking, as defined in sections 135.35, 135.36, and 135.37 of the penal law.

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

Occupied guest room. The term “occupied guest room” means that a guest room has been reserved by a guest.

Overnight. The term “overnight” means the work shift containing the hours between 12:00 am and 2:00 am.

Panic button. The term “panic button” means a help or distress signaling system a natural person may activate in order to alert a security guard, or other appropriate on-site natural person who is available to provide immediate on-scene assistance that such person is in danger, and which provides such security guard, or other appropriate on-site natural person the location of such person.

Person. The term “person” shall have the same meaning as the term “person” in section 1-112, except that such term shall 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 that has an agreement with any such governmental entity to manage real property on behalf of such governmental entity.

Security guard. The term “security guard” means a natural person who is registered to work as a security guard under article 7-a of the general business law.

Small hotel. The term “small hotel” means a hotel with less than 100 guest rooms.

Transient. The term “transient” means use for less than 30 days.

§ 20-565.1 Hotel license issuance and renewal; application; fee. a. It shall be unlawful to operate a hotel without a license. Where no license has been obtained, there shall be a rebuttable presumption that an owner of a hotel is the operator of such hotel.

b. A license issued pursuant to this subchapter shall be valid for a term of two years. The fee for such license shall be \$350.

§ 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. To obtain or renew a hotel license, a hotel operator shall file an application in such form and detail as the commissioner shall prescribe, and shall furnish the commissioner with the following:

1. The name, address, contact phone number, and electronic mail address of such hotel operator;
2. Such information as the commissioner shall require to establish that the operator has adequate procedures and safeguards to ensure compliance with this subchapter, including compliance with the staffing requirements of subdivisions a and b of 20-565.4, the safety requirements of subdivision b of 20-565.5, the guest room cleanliness standards of subdivision c of 20-565.5, the direct employment provisions of 20-565.6, and the panic button provisions of 20-565.7. The provisions of this paragraph 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; and

3. Such other information as the commissioner may require.

c. A Hotel license shall not be assignable, except for transfers made in accordance with section 22-510, provided that such successor hotel operator notify the commissioner of the transfer, provide all the information required by paragraph 1 of subdivision b of section 20-565.2, and makes all required submissions to the department prior to the expiration of the predecessor's license, provided further than nothing here shall excuse noncompliance with the provisions of this subchapter.

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; inspections. a. Each licensee shall conspicuously display a true copy of the license issued pursuant to this subchapter in publicly visible areas of the hotel where other legally required notices may be displayed.

b. In accordance with applicable law and rules, the commissioner may inspect a hotel for violations of this subchapter and rules promulgated thereunder.

§ 20-565.4 Service requirements and prohibitions. a. Front desk staffing. 1. Except as provided by paragraph 2 of this subdivision, a hotel operator must schedule at least one employee to provide continuous coverage of a front desk.

2. During an overnight shift, in lieu of such front desk staff, an operator of a hotel may schedule a security guard who is able to assist guests and has undergone human trafficking recognition training in accordance with this subchapter.

3. The staff required pursuant to paragraphs 1 and 2 of subdivision a of this section must be available to confirm the identity of guests checking in to such hotel.

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

2. An operator of a large hotel must schedule at least one security guard to provide continuous coverage on the premises of such hotel while any guest room in such hotel is occupied.

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

2. An operator of a hotel must provide every guest room with clean towels, sheets, and pillowcases prior to occupancy by a new guest.

3. Upon request by a guest, an operator of a hotel must replace the towels, sheets, and pillowcases of an occupied guest room.

4. An operator of a hotel must clean an occupied guest room and remove trash daily unless a guest

affirmatively declines such cleaning and trash removal services. Hotels may not impose any fee or collect any charge for daily room cleaning nor offer any discount or incentive to forgo daily room cleaning.

d. Prohibition against short duration bookings. An operator of a hotel, other than an airport hotel, may not accept reservations for a guest room for a duration of less than 4 hours.

e. Prohibition against facilitating human trafficking. An operator of a hotel may not permit the premises of such hotel to be used for the purposes of human trafficking.

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

b. A hotel operator must provide a human trafficking recognition training in accordance with section 205 of the general business law to core employees. A hotel operator must provide human trafficking recognition training to a new core employee within 60 days of employment.

c. Except for hotel owners of small hotels, 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 hotel operator 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 hotel operator in accordance with this subsection, a hotel owner need not be a direct employer of core employees. § 20-565.6 Panic buttons. A hotel operator must provide panic buttons to core employees, at no cost to any such employee, whose duties involve entering occupied guest rooms.

§ 20-565.7 Retaliatory actions by hotels; prohibition. a. A hotel operator shall not take any retaliatory action against an employee, including but not limited to a core employee, for taking any of the actions described in paragraphs 1 through 3 of this subdivision:

1. discloses, or threatens to disclose to a supervisor or to a public body any specific activity, policy, or practice of such 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 such hotel employee has a reasonable, good faith belief that such activity, policy or practice subjects such employee to unusually dangerous conditions which are not normally part of such 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 and costs.

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

§ 20-565.8 Enforcement and penalties. a. A hotel operator 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 by the department, which shall be returnable to the office of administrative trials and hearings or any other tribunal designated to conduct such proceedings.

§ 2. Subdivision a of section 20-565.5 of the administrative code of the city of New York, as added by section one of this local law, shall have no effect on an enforceable agreement between a hotel operator or a hotel owner, as such terms are defined in section 20-565 of such code, and a contractor executed prior to the effective date of this local law, provided such agreement terminates on a date certain.

§ 3. It shall be unlawful for a hotel owner or hotel operator, as defined in section 20-565 of the administrative code of the city of New York, as added by section one of this local law, to enter into an agreement that would violate subdivision a of section 20-565.4 of such code, as added by section one of this

local law.

§ 4. This local law takes effect 180 days after it becomes law, except as provided below:

i. subdivision a of section 20-565.5 of the administrative code of the city of New York, as added by section one of this local law, takes effect in 180 days with regard to an agreement entered into on or after such effective date, provided, however, with regard to any agreement executed prior to such effective date that does not terminate on a date certain, such subdivision takes effect on December 1, 2026, and provided, further, that, with regard to any agreement executed prior to such effective date that terminates on a date certain, such subdivision takes effect 30 days after the date on which such agreement terminates or expires; and

ii. section three of this local law takes effect immediately and expires and is deemed repealed 180 days after such date.