LAWS OF NEW YORK, 2016

CHAPTER 396

AN ACT to amend the multiple dwelling law and the administrative code of
  the city of New York, in relation to prohibiting advertising that
  promotes the use of dwelling units in a class A multiple dwelling for
  other than permanent residence purposes

   Became a law October 21, 2016, with the approval of the Governor.
       Passed by a majority vote, three-fifths being present.

   **The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:**

   Section 1. The multiple dwelling law is amended by adding a new
section 121 to read as follows:
   **§ 121. Prohibiting advertising that promotes the use of dwelling units
in a class A multiple dwelling for other than permanent residence
purposes. 1. It shall be unlawful to advertise occupancy or use of
dwelling units in a class A multiple dwelling for occupancy that would
violate subdivision eight of section four of this chapter defining a
"class A" multiple dwelling as a multiple dwelling that is occupied for
permanent residence purposes.**
   **2. Any person found to have violated the provisions of subdivision one
of this section shall be liable for a civil penalty of not more than one
thousand dollars for the first violation, five thousand dollars for the
second violation and seven thousand five hundred dollars for the third
and subsequent violations.**
   **3. For the purposes of this section, the term "advertise" shall mean
any form of communication for marketing that is used to encourage,
persuade or manipulate viewers, readers or listeners into contracting
for goods and/or services as may be viewed through various media includ-
ing, but not limited to, newspapers, magazines, flyers, handbills, tele-
vision commercials, radio, signage, direct mail, websites or text
messages.**
   **4. Notwithstanding the provisions of section three hundred three of
this chapter, in a city with a population of one million or more the
provisions of this section shall be enforced by the mayor's office of
special enforcement.**

   § 2. Subchapter 3 of chapter 1 of title 27 of the administrative code
 of the city of New York is amended by adding a new article 18 to read as
 follows:
   ARTICLE 18
   UNLAWFUL ADVERTISEMENT FOR CERTAIN OCCUPANCIES

   **§ 27-287.1 Unlawful advertisement for certain occupancies. 1. It shall
be unlawful to advertise occupancy or use of dwelling units in a class A
multiple dwelling for occupancy that would violate subdivision eight of
section four of the multiple dwelling law defining a "class A" multiple**

dwelling as a multiple dwelling that is occupied for permanent residence purposes.

  2. The provisions of this section shall be enforced by the mayor's office of special enforcement. Any person found to have violated the provisions of subdivision one of this section shall be liable for a civil penalty of not more than one thousand dollars for the first violation, five thousand dollars for the second violation and seven thousand five hundred dollars for the third and subsequent violations.

  3. For the purposes of this section the term "advertise" shall mean any form of communication, promotion or solicitation, including but not limited to direct mail, newspapers, magazines, flyers, handbills, tele- vision commercials, radio, signage, direct mail, websites, text messages or similar displays, intended or used to induce, encourage or persuade the public to enter into a contract for goods and/or services.

EXPLANATION--Matter in _italics_ is new; matter in brackets [-] is old law
                        to be omitted.

  § 3. This act shall take effect immediately.

The Legislature of the STATE OF NEW YORK ss:
  Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

    JOHN J. FLANAGAN   CARL E. HEASTIE
Temporary President of the Senate   Speaker of the Assembly