

1 Listing. The term “listing” means an advertisement on a booking service that offers a short-
2 term rental.

3 Registered host or host. The term “registered host” or "host" means a natural person who
4 is a permanent occupant of a dwelling unit registered in accordance with this chapter.

5 Private dwelling. The term “private dwelling” has the meaning ascribed to such term by
6 subchapter 1 of the housing maintenance code.

7 Rooming unit. The term “rooming unit” has the meaning ascribed to such term by
8 subchapter 1 of the housing maintenance code.

9 Short-term rental. The term "short-term rental" means a rental for fewer than 30
10 consecutive days of a dwelling unit within a private dwelling or class A multiple dwelling, or in
11 the case of a mixed use building, a rental of a class A dwelling unit therein for fewer than 30
12 consecutive days.

13 § 26-3102 Short-term rental registration. a. It shall be unlawful for a person who owns,
14 manages, occupies or otherwise controls a dwelling unit to offer, manage or administer the short-
15 term rental of such dwelling unit unless such dwelling unit is registered in accordance with this
16 chapter, such dwelling unit has been issued a unique short-term rental registration number, and
17 such registration is currently valid. It shall be unlawful for a person who owns, manages, occupies
18 or otherwise controls a dwelling unit to falsely represent or falsely advertise a dwelling unit as
19 registered for short-term rental pursuant to this chapter when such dwelling unit is not so
20 registered. This chapter does not apply to the short-term rental of class B multiple dwellings or
21 class B dwelling units within mixed use buildings.

22 b. The form and manner of applying for a short-term rental registration or renewal thereof
23 shall be established by rules of the administering agency.

1 c. No short-term rental registration shall be issued unless:

2 1. The applicant is a natural person who is a permanent occupant of the dwelling unit and
3 is either: (i) the owner of such dwelling unit, or (ii) a tenant of such dwelling unit who certifies in
4 a form and manner to be specified by the administering agency that they are not prohibited by the
5 terms of a lease or other agreement from applying for a short-term rental registration for such
6 dwelling unit and from subsequently acting as a host for short-term rentals within such dwelling
7 unit;

8 2. The applicant has described, in a form acceptable to the administering agency, any parts
9 of the premises containing such unit or accommodation that a person occupying a short-term rental
10 at such unit or accommodation will be allowed to occupy or use;

11 3. The applicant certifies in a form and manner to be specified by the administering agency
12 that they understand and agree to comply with provisions of the zoning resolution, multiple
13 dwelling law, housing maintenance code and New York city construction codes relating to the
14 short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class
15 A dwelling units within mixed use buildings;

16 4. The administering agency has determined that, in accordance with the records of the
17 department of buildings, the department of housing preservation and development and the fire
18 department, there are no uncorrected violations of the New York city construction codes, the
19 housing maintenance code or the fire code that would endanger occupants of such dwelling unit;

20 5. The administering agency has verified the occupancy classification of the building, or
21 with respect to a mixed use building, the occupancy classification of the dwelling unit to be
22 occupied as a short-term rental;

23 6. The administering agency has verified that the building does not appear on the prohibited

1 buildings list published pursuant to this section;

2 7. Where the applicant uses a booking service, the applicant has provided the uniform
3 resource locator or listing identifier and the associated booking service name for all existing
4 listings of the dwelling unit and agrees that any listing of such dwelling unit with a booking service
5 shall be reported to the administering agency prior to such listing being used to make an agreement
6 for a short-term rental; and

7 8. The applicant has paid an application or renewal fee in an amount to be established by
8 rule by the administering agency.

9 d. No registration shall be issued for the short-term rental of a dwelling unit the rent of
10 which is regulated in accordance with the emergency tenant protection act of 1974, the rent
11 stabilization law of 1969, the local emergency housing rent control act of 1962, sections four
12 hundred twenty-one-a or four hundred eighty-nine of the real property tax law, in a housing
13 development organized pursuant to article two of the private housing finance law and supervised
14 by the department of housing preservation and development, or any other law or rule or an
15 agreement with a governmental entity.

16 e. No short-term rental registration shall be issued for a dwelling unit in a New York city
17 housing authority development.

18 f. No short-term rental registration shall be issued for a rooming unit.

19 g. Issuance of a registration for a dwelling unit pursuant to this chapter shall not be
20 construed as permission for or approval of the use of such dwelling unit for any occupancy that
21 would be in violation of a lease, cooperative bylaws, condominium association rules and
22 regulations, the multiple dwelling law, the zoning resolution, the New York city construction
23 codes, the housing maintenance code or any other applicable rules, regulations, or laws.

1 h. A short-term rental registration or renewal thereof shall be valid for a period established
2 by the administering agency, but not to exceed the demonstrated right of occupancy by the
3 applicant.

4 i. A short-term rental registration or renewal thereof is not transferable.

5 j. If the information provided by an applicant in connection with an application for a short-
6 term rental registration or renewal thereof changes before the expiration of such registration or
7 renewal thereof, such applicant shall submit such changes to the administering agency in a time,
8 form and manner established by the administering agency.

9 k. Upon receipt of a complete initial application, the administering agency shall notify the
10 owner of record of the dwelling unit and of the building, informing the owners that an application
11 for a short-term rental registration has been received.

12 l. The administering agency shall create and maintain a prohibited buildings list of all
13 addresses whose owner, including any applicable board of a cooperative or condominium
14 corporation or their managers and agents, has notified the agency in a form and manner to be
15 specified by the administering agency that no short-term rental of any dwelling unit therein is
16 permitted. The administering agency shall adopt rules with respect to applications for inclusion on
17 the prohibited buildings list, including, but not limited to, rules requiring building owners to certify
18 that leases and other occupancy agreements for dwelling units within the building prohibit short-
19 term rentals and rules relating to removing buildings from the prohibited building list. Where all
20 dwelling units in a building are prohibited pursuant to subsection (d) of this section, such buildings
21 shall also be included on the prohibited building list. The administering agency shall publish the
22 prohibited buildings list on the city open data web portal.

23 m. The administering agency shall as soon as practicable, for each booking service

1 disclosed by the registrant as having a listing for the registered dwelling unit, notify such booking
2 service of any revocation of a short-term rental registration.

3 § 26-3103 Posting and advertising requirements. a. A registered host of a dwelling unit
4 shall, in a form and manner established by the administering agency, conspicuously post and
5 maintain within such dwelling unit, during each short-term rental thereof: (i) a diagram indicating
6 normal and emergency egress routes from such unit and the building containing such unit, and (ii)
7 a copy of the short-term rental registration certificate for such unit which shall include the
8 registration number along with a number to call in the event of an emergency.

9 b. A registered host shall include in any advertisement or other offer for the short-term
10 rental of a dwelling unit the short-term registration number for such unit.

11 c. A registered host shall maintain, for at least seven years after such short-term rental, a
12 record of each such short-term rental in a manner established by the administering agency and
13 containing such information as the administering agency shall prescribe. Such records shall be
14 provided to the administering agency in accordance with the rules of such agency and applicable
15 law.

16 § 26-3104 Penalties and enforcement. a. Any person who violates subdivision a of section
17 26-3102 shall be liable for a civil penalty of not more than the lesser of \$5000 or three times the
18 revenue generated by the short-term rental for each such violation.

19 b. Any registered host who violates the provisions of this chapter or rules of the
20 administering agency promulgated pursuant to this chapter shall be liable for a civil penalty of not
21 more than \$5000 for each such violation.

22 c. Any person who makes a material false statement or conceals a material fact in
23 connection with the filing of an application or renewal thereof pursuant to this chapter shall be

1 liable for a civil penalty of not more than \$1000 for each such violation, in addition to revocation
2 pursuant to the provisions of this section.

3 d. The registration of a dwelling unit shall be revoked, after notice and opportunity to be
4 heard, where:

5 1. Such dwelling unit has been used in violation of restrictions in the zoning resolution,
6 multiple dwelling law, housing maintenance code and New York city construction codes relating
7 to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in
8 class A dwelling units within mixed use buildings;

9 2. The applicant made a material false statement or concealed a material fact in connection
10 with the filing of an application or renewal thereof pursuant to this chapter;

11 3. The registered host has committed three or more violations of this chapter or rules of the
12 administering agency within a period of 24 months;

13 4. The dwelling unit was added to the prohibited building list after the registration had been
14 approved; or

15 5. The administering agency, subsequent to issuing the registration, discovers information
16 that would have precluded the administering agency from granting the registration had it been
17 known at the time.

18 e. Civil penalties for violations of this chapter and rules of the administering agency
19 promulgated pursuant to this chapter may be recovered in proceedings before an administrative
20 tribunal within the jurisdiction of the office of administrative trials and hearings in accordance
21 with the rules of such tribunal or in an action in a court of competent jurisdiction. Notices of
22 violation, administrative summonses and appearance tickets for violations may be issued by
23 officers and employees of the administering agency or other city agencies designated by such

1 administering agency.

2 f. The administering agency shall be authorized to conduct investigations, to issue
3 subpoenas, to receive evidence, to hear complaints regarding activities subject to this section, to
4 hold public hearings, to take testimony and to promulgate, amend and modify procedures and
5 practices governing such proceedings.

6 § 26-3105 Reporting. a. The administering agency shall make the following information
7 on each short-term rental registration available on the city open data web portal in as close to real
8 time as practicable:

9 1. registration number;

10 2. uniform resource locators associated with such registration;

11 3. address and unit number of the dwelling unit, including latitude and longitude;

12 4. status of the registration, including active or revoked; and

13 5. expiration date of registration.

14 b. No later than September 1 of each year, the administering agency shall submit a report
15 to the mayor and to the speaker of the city council and post on the administering agency's website,
16 a report including, but not limited to, the following information for the twelve-month period ending
17 the preceding June 30, disaggregated by council district:

18 1. the number of active registrations;

19 2. the number of short-term registration applications and renewals: applied for, granted,
20 refused, revoked and pending;

21 3. the average time to process registration applications and renewals;

22 4. a summary of the reasons for applications or renewals to be refused or revoked;

23 5. total number and reasons for summonses issued;

24 6. total penalties imposed and collected.

1 c. The administering agency shall provide a website page where members of the public
2 may submit a registration number or uniform resource locator that will return associated
3 information provided in paragraph (a) and instructions on how to file a complaint related to
4 unregistered activity.

5 § 2. Title 26 of the administrative code of the city of New York is amended by adding a
6 new chapter 32 to read as follows:

7 CHAPTER 32

8 REQUIREMENTS FOR BOOKING SERVICES WITH RESPECT TO SHORT-TERM

9 RENTALS

10 § 26-3201 Definitions. As used in this chapter:

11 Administering agency. The term “administering agency” means the office of special
12 enforcement, as established under executive order number 96 for the year 2006, or such other
13 agency as the mayor may designate by executive order.

14 Application program interface. The term “application program interface” means a software
15 intermediary that makes it possible for application programs to interact with each other and share
16 data or successor technologies.

17 Class B multiple dwelling. The term class B multiple dwelling has the meaning ascribed to
18 such term by subchapter 1 of the housing maintenance code.

19 Booking service. The term “booking service” has the meaning ascribed to such term by
20 section 26-2101, as added by local law number 146 for the year 2018.

21 Directly or indirectly. The term “directly or indirectly” has the meaning ascribed to such
22 term by section 26-2101.

23 Dwelling unit. The term “dwelling unit” has the meaning ascribed to such term by

1 subchapter 1 of the housing maintenance code.

2 Electronic verification system. The term “electronic verification system” means an
3 application program interface created and maintained by the administering agency that a booking
4 service may use to: (i) verify whether the housing accommodation or dwelling unit that is the
5 subject of a short-term rental is included on the list of class B multiple dwellings published
6 pursuant to section 26-2103, as added by local law number 146 for the year 2018; or (ii) verify
7 that the dwelling unit or housing accommodation that is the subject of such short-term rental has
8 a currently valid short-term rental registration number, and that the full legal name of the host and
9 the physical address of the dwelling unit associated with such short-term rental match the host and
10 physical address information associated with such registration number, and that the uniform
11 resource locator or listing identifier being used to offer the short term rental is associated with the
12 currently valid short-term rental registration number; and (iii) obtain a unique confirmation
13 number reflecting that such verification has occurred.

14 Listing. The term “listing” means an advertisement on a booking service that offers a short-
15 term rental.

16 Short-term rental. The term "short-term rental" has the meaning ascribed to such term in
17 section 26-2101, as added by local law number 146 for the year 2018.

18 Short-term rental registration number. The term “short-term rental registration number”
19 means a registration number issued in accordance with the registration of a dwelling unit pursuant
20 to chapter 31 of this title.

21 § 26-3202 Verification of lawful rental. a. It shall be unlawful for a booking service to
22 charge, collect or receive a fee from a person in connection with a short-term rental of a dwelling
23 unit or housing accommodation unless such booking service has used the electronic verification

1 system maintained by the administering agency either to (i) verify that such short-term rental is
2 for a dwelling unit or housing accommodation within a class B multiple dwelling on the list of
3 class B multiple dwellings published pursuant to section 26-2103, as added by local law number
4 146 for the year 2018; or (ii) to verify that the dwelling unit or housing accommodation that is the
5 subject of such short-term rental is associated with the short-term rental registration number
6 submitted by such person to the booking service and such registration is currently valid, that the
7 uniform resource locator or listing identifier being used to offer the short-term rental is associated
8 with the short-term rental registration number, and that the host and physical address information
9 provided by such person to the booking service match the information contained in the electronic
10 verification system, including, but not limited to, the full legal name of the host and the full
11 physical address of the dwelling unit or housing accommodation. The electronic verification
12 system shall provide a unique confirmation number reflecting that such verification has occurred.
13 A booking service shall reconfirm the active registration of a dwelling unit any time it knows or
14 should have known that any data it used to complete the verification in this section has changed,
15 and the administering agency may establish by rule a minimum reconfirmation period.

16 b. A booking service shall report to the administering agency on a monthly basis in a
17 manner and form established by the administering agency for each transaction relating to a short-
18 term rental: the booking services public uniform resource locator for the listing or other identifier,
19 and the unique confirmation number obtained from the electronic verification. Upon submission
20 of such report, a booking service shall certify that the verification required by subdivision a of this
21 section has occurred for each transaction in the report.

22 c. Electronic verification system fee. There shall be a fee for the use of the electronic
23 verification system in an amount to be established by rule by the administering agency. Such fee

1 shall not exceed the cost to build, operate, and maintain such system.

2 § 26-3203 Penalties. a. For each transaction in which a booking service charges, collects
3 or receives a fee, directly or indirectly, for activity described in the definition of booking service
4 in relation to a short-term rental in violation of subdivision a of section 26-3202, such booking
5 service shall be liable for a civil penalty of not more than \$1,500; provided that if such booking
6 service can establish the amount of such fee, such civil penalty shall be not more than three times
7 such fee.

8 b. If a booking service fails to provide information in compliance with subdivision b of
9 section 26-3202, such booking service shall be liable for a civil penalty to be assessed once per
10 reporting period for each transaction the booking service has failed to report. The civil penalty
11 shall not be more than the greater of \$1,500 or the total fees collected during the preceding year
12 by the booking service for transactions related to the registration number or uniform resource
13 locator.

14 c. Civil penalties for violations of this chapter and rules of the administering agency
15 promulgated pursuant to this chapter may be recovered in proceedings before an administrative
16 tribunal within the jurisdiction of the office of administrative trials and hearings in accordance
17 with the rules of such tribunal or in an action in a court of competent jurisdiction. Notices of
18 violation, administrative summonses and appearance tickets for violations may be issued by
19 officers and employees of the administering agency or other city agencies designated by such
20 administering agency.

21 d. The administering agency shall be authorized to conduct investigations, to issue
22 subpoenas, to receive evidence, to hear complaints regarding activities subject to this section, to
23 hold public hearings, to take testimony and to promulgate, amend and modify procedures and

1 practices governing such proceedings.

2 § 3. This local law takes effect 12 months after it becomes law, except that section 26-3104
3 of the administrative code of the city of New York, as added by section one of this local law, and
4 section 26-3203 of the administrative code of the city of New York, as added by section two of
5 this local law, take effect 16 months after it becomes law, and the administering agency shall take
6 such actions as are necessary for its implementation, including the promulgation of rules, before
7 such dates.

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