

File No. 161169

Committee Item No. _____

Board Item No. 41

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: November 1, 2016

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

- New York State Assembly Bill A8704C
- _____
- _____
- _____
- _____

Prepared by: Brent Jalipa
Prepared by: _____

Date: October 27, 2016
Date: _____

1 [Commending New York Governor Andrew Cuomo, State Senator Liz Krueger and State
2 Assembly Member Linda Rosenthal for New York Assembly Bill A8704C]

3 **Resolution commending New York State Senator Liz Krueger and Assembly Member**
4 **Linda Rosenthal for co-sponsoring and passing New York State Assembly Bill A8704C,**
5 **relating to prohibiting advertising for the use of dwelling units in class A multiple-**
6 **dwelling buildings in New York City, and New York Governor Andrew Cuomo for**
7 **signing it into law on October 21, 2016.**

8
9 WHEREAS, The proliferation of illegal short-term tourist rentals has severely impacted
10 the housing stock of cities across the world, including New York and San Francisco; and

11 WHEREAS, Commissioned studies and public investigations in both San Francisco
12 and New York have revealed that the majority of short-term rentals listed with online
13 businesses like Airbnb, which generate billions of dollars from this loosely regulated business
14 model, are illegal; and

15 WHEREAS, A 2016 report commissioned by MFY Legal Service and Housing
16 Conservation Coordinators found that 28,765 of Airbnb's New York short-term rental listings
17 (or 56%) were offering illegal lodging for fewer than 30 days, as opposed to entering into
18 lease agreements with permanent residential tenants; and

19 WHEREAS, A 2016 NBC Bay Area investigation revealed that at least 82% of San
20 Francisco Airbnb listings were illegal over two years after San Francisco began regulating the
21 short-term rental industry; and

22 WHEREAS, Political contributions to local electoral campaigns and lawsuits are just
23 two of the tools that have been used by the short-term rental industry to strenuously resist
24 every good faith attempt to enforce common-sense public policy and rein in illegal financial
25

1 transactions that have directly contributed to a lack of permanent housing in both San
2 Francisco and New York; and

3 WHEREAS, These scare tactics are an attempt to intimidate public policy makers into
4 prioritizing corporate interests over residents; now, therefore, be it

5 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
6 recognizes the tremendous legislative courage of the New York State Legislature and New
7 York Governor Andrew Cuomo in adopting sound public policy that protects valuable housing
8 stock and residents; and, be it

9 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
10 Francisco commends New York Governor Andrew Cuomo, New York State Senator Liz
11 Krueger and New York Assembly Member Linda Rosenthal for their joint efforts to adopt New
12 York Assembly Bill A8704C into law, which prohibits illegal listings in multi-unit housing in
13 New York; and, be it

14 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
15 Francisco directs the Clerk of the Board to transmit this resolution to the respective offices of
16 the New York Governor Andrew Cuomo, New York Senator Liz Krueger and New York
17 Assembly Member Linda Rosenthal upon final passage.

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S T A T E O F N E W Y O R K

8704--C

I N A S S E M B L Y

January 13, 2016

Introduced by M. of A. ROSENTHAL, RICHARDSON, BRAUNSTEIN, MOYA, JOYNER, MARKEY, HEVESI, WRIGHT, GOLDFEDER, SIMOTAS, KIM, DAVILA, PICHARDO, CRESPO, SEAWRIGHT, GLICK, BLAKE, RIVERA, COOK, MOSLEY, LINARES, BRENNAN, COLTON, TITUS, WALKER -- Multi-Sponsored by -- M. of A. BARRON, FARRELL, ROBINSON, SIMON -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The multiple dwelling law is amended by adding a new section 121 to read as follows:

S 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

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

A. 8704--C

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OR GOODS AND/OR SERVICES AS MAY BE VIEWED THROUGH VARIOUS MEDIA INCLUDING, BUT NOT LIMITED TO, NEWSPAPERS, MAGAZINES, FLYERS, HANDBILLS, TELEVISION 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, TELEVISION 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.

§ 3. This act shall take effect immediately.

[VIEW LESS](#) ^

COMMENTS

Open Legislation comments facilitate discussion of New York State legislation. All comments are subject to moderation. Comments deemed off-topic, commercial, campaign-related, self-promotional; or that contain profanity or hate speech; or that link to sites outside of the nysenate.gov domain are not permitted, and will not be published. Comment moderation is generally performed Monday through Friday.

Print Form.

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 OCT 25 PM 4:58

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Peskin

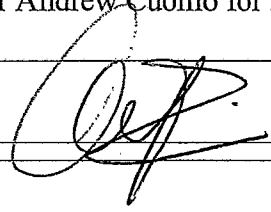
Subject:

[Commending Governor Andrew Cuomo, Senator Liz Krueger and Assembly member Linda Rosenthal for New York AB A8704C]

The text is listed below or attached:

Resolution commending New York Senator Liz Krueger and New York Assembly member Linda Rosenthal for co-sponsoring and passing New York Assembly Bill A8704C and Governor Andrew Cuomo for signing New York Assembly Bill A8704C into law on October 21, 2016.

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only: