

## Mayor's Office of Special Enforcement

### NOTICE OF ADOPTION OF FINAL RULES GOVERNING REGISTRATION AND REQUIREMENTS FOR SHORT-TERM RENTALS

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN** the Mayor's Office of Special Enforcement ("OSE") by section 1043(e) of the New York City Charter ("City Charter") and Local Law 18 for the year 2022 (sections 26-3101 *et. seq.* and sections 26-3201 *et. seq.* of the Administrative Code of the City of New York), and in accordance with the requirements of section 1043 of the City Charter, that OSE promulgates and adopts Chapter 17 of Title 43 of the Rules of the City of New York, regarding reporting requirements for booking services.

These rules were proposed and published on November 4, 2022, and a public hearing was held on December 5, 2022. A second notice extending public comment period and announcing a second hearing was published December 12, 2022, and a second hearing was held on January 11, 2023.

#### **Statement of Basis and Purpose**

Local Law 18 for the year 2022 (LL 18), enacted on January 9, 2022, established two new provisions of law: 1) Chapter 31 (sections 26-3101 through 26-3105) of Title 26 ("Housing and Buildings") of the Administrative Code of the City of New York, regarding registration requirements for short-term residential rentals; and 2) Chapter 32 (sections 26-3201 through 26-3203) of Title 26 ("Housing and Buildings") of the Administrative Code of the City of New York, regarding registration verification and reporting requirements for short-term residential rentals. Local Law 18 specified that it was to be administered by the Mayor's Office of Special Enforcement (OSE) unless specified otherwise by mayoral executive order.

Short term rentals of dwelling units (rental for less than 30 days) are prohibited by the Multiple Dwelling Law, the Housing Maintenance Code, and the Construction Codes unless the permanent resident of the dwelling unit is present during the rental. Chapter 31 of Title 26 of the Administrative Code of the City of New York provides for the regulation of such hosted short-term rentals by requiring permanent residents of dwelling units who engage in such rentals to register themselves, the dwelling units they occupy, and their listings with OSE and obtain a short-term rental registration number signifying such registration. Registered hosts will be required to include their short-term rental registration number on all advertisements and offers for short-term rental, and to conspicuously post and maintain, within the dwelling unit, a diagram of normal and emergency exit routes and their short-term rental registration certificate. A registrant will further be required to retain records of their short-term rental transactions and provide such records to OSE upon request. Registration will not be permitted if there are uncorrected violations of law that might imperil occupants of such units, or if the units are in buildings on a prohibited building list.

Chapter 32 of Title 26 of the Administrative Code of the City of New York requires online,

computer, or application-based platforms, or “booking services,” that charge, collect, or receive fees for the use of the platform in connection with short-term rentals to verify, via an electronic verification system maintained by OSE, that a short-term rental transaction is either for a dwelling unit within a class B multiple dwelling on the list of class B multiple dwellings published by OSE, or is associated with a valid short-term rental registration number. Additionally, booking services are required to report booking services public uniform resource locator for the listing or other identifier, and the unique confirmation number obtained from the electronic verification system for such transaction to OSE.

The purpose of this rule is to implement Chapters 31 and 32 of Title 26 of the Administrative Code of the City of New York in accordance with Local Law 18 for the year 2022. Specifically, this rule would:

- Specify the time, manner, and form of applying for and renewing a short-term rental registration;
- Specify the causes for denial of a short-term rental registration;
- Specify the time, manner, and form of submitting changes to information submitted in the application for short-term rental;
- Establish a process for publishing and maintaining a list of buildings prohibited from short-term rental registration;
- Specify the manner and form of posting and maintaining, within the registered dwelling unit, a diagram indicating normal and emergency exit routes for the unit and building, and a copy of the short-term rental registration certificate;
- Specify the manner and form in which short-term rental transaction records must be maintained by registered hosts and provided to the administering agency;
- Provide a schedule of penalties for violations of the law and rules;
- Provide for revocation of registration for failure to comply with law or rules;
- Establish a retention and disposal period for information obtained pursuant to the law;
- Specify the booking services’ requirement and manner of verifying lawful short-term rentals; and
- Specify the time, manner, and form of reporting by the booking services;

OSE revised the proposed rule in response to comments received at the public hearing as well as written comments received during the public comment period. The final rule includes the following changes from the proposed rule:

§21-01 (“Definitions”) – Clarified definition of “Material false statement” to exclude statements of understanding of a law or statements of intention to comply with a law; clarified definition of “rentee” to correct statutory reference

§21-03 (“Short-term rental registration application and approval procedures”) – reduced the burden on applicants by:

- changing the proposed requirement of names and relationships of permanent occupants to a statement of the number of unrelated permanent occupants;
- eliminating submission of a diagram and the date occupancy began from the application requirements;
- allowing for the submission and use of a chosen or preferred name;
- reducing the scope of the requirement to for tenants to provide an entire lease to just the

relevant portions of the lease;  
-expanding acceptable proofs of identity;  
-expanding allowable redaction of proof of residence documents to include personal information of a non-applicant;  
-adding additional sections and clarifying language to list items applicant must certify to understand and agree to comply with;  
-simplifying language regarding applicant understanding of agency obligation to notify owner of dwelling of an application; and  
-removing legal name from the certificate of registration

§21-05 (“Term of registration; Expiration of registration”) – Doubled the registration term from two year to four years

§21-06 (“Amendment of a short-term rental registration”) – tripled the amount of time a registrant has to amend their registration, and added an extenuating circumstance exception

§21-07 (“Renewal of a short-term rental registration”) – doubled amount of time in which registrants can seek renewal before expiration; removed requirement to affirm past compliance with applicable laws

§21-08 (“Denial of a short-term rental registration or renewal”) – minor typographic modification

§21-09 (“Prohibited buildings list”) - minor typographic modification

§21-10 (“Registered host requirements”) – Reduced regulatory burden on registered hosts by:

- reducing requirements of the diagram required to be posted in the unit;
- simplifying language relating to recordkeeping requirements;
- increasing by 50% the amount of time registrants have to respond to records requests; and
- replacing the prohibition relating to rentees having exclusive access with a requirement to maintain a common household, and including statutory references

§21-13 (“Penalties”) –eliminated proposed penalties for false certification of lease requirements and for violation laws related to short-term rentals; clarified that false statements must be material for penalty provision to apply

§22-01 (“Definitions”) – Defined “full legal name” to include a chosen or preferred name accepted for use by the administering agency

§22-02 (“Verification of lawful short-term rentals”) - minor typographic modification; eased compliance requirements on booking services by:

- increasing information contained in the unique confirmation number to allow booking services to know if verification was due to exempt status or registered status;
- changing the minimum reverification period from quarterly to annually;

- removing minimum reverification for verifications demonstrating exemption from the registration requirements;
- increasing the period after expiration in which a booking service must reverify from two days to fifteen days
- tripling the amount of time after which a booking service is presumed to have received a notice of revocation

§22-03 (“Reporting requirements”) – added flexibility for booking services to report transactions in aggregate or individually

§22-04 (“Fees”) – Clarified that the fee for a booking service to use the verification system shall be assessed once per listing per calendar year, not once per listing per verification

§22-05 (“Penalties”) –created “safe harbor” for booking services that accept fees for a short-term rental that began prior to expiration or revocation of the registration

New material is underlined.

[Deleted material is in brackets.]

Asterisks (\*\*\*) indicate unamended text.

“Shall” and “must” denote mandatory requirements and may be used interchangeably, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 43 of the rules of the city of New York is amended by adding new chapters 21 and 22 to read as follows:

## Chapter 21

### REQUIRED REGISTRATION OF SHORT-TERM RENTALS

|                |   |
|----------------|---|
| <u>§ 21-01</u> | <u>Definitions</u>  |
| <u>§ 21-02</u> | <u>Short-term rental registration required</u>                            |
| <u>§ 21-03</u> | <u>Short-term rental registration application and approval procedures</u> |
| <u>§ 21-04</u> | <u>Incomplete applications</u>  |
| <u>§ 21-05</u> | <u>Term of registration; Expiration of registration</u>                   |
| <u>§ 21-06</u> | <u>Amendment of a short-term rental registration</u>                      |
| <u>§ 21-07</u> | <u>Renewal of a short-term rental registration</u>                        |
| <u>§ 21-08</u> | <u>Denial of a short-term rental registration or renewal</u>              |
| <u>§ 21-09</u> | <u>Prohibited buildings list</u>  |
| <u>§ 21-10</u> | <u>Registered host requirements</u>                                       |
| <u>§ 21-11</u> | <u>Privacy and security of information</u>                                |
| <u>§ 21-12</u> | <u>Retention and disposal of information</u>                              |
| <u>§ 21-13</u> | <u>Penalties</u>  |
| <u>§ 21-14</u> | <u>Revocation</u>   |

#### § 21-01 Definitions

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 subsequently designated by mayoral executive order.

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

Building. The term “building” means a building as defined in the New York city construction codes that is located in the city.

Class A multiple dwelling. The term “class A multiple dwelling” shall have the meaning ascribed to such term in the housing maintenance code, except that for the purposes of these rules the term class A multiple dwelling shall also be deemed to include “interim multiple dwelling” as defined in section 281 of the multiple dwelling law.

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

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

section 27-2004 of the housing maintenance code.

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

Listing identifier. The term “listing identifier” means a unique identification number assigned by the booking service to each listing.

Material fact. A “material fact” is a fact stated or omitted in connection with the filing of an application for, or renewal of, a short-term rental registration made pursuant to these rules and NYC administrative code § 26-3102, and that has a natural tendency to influence, or was capable of influencing, the administering agency’s decisions relating to such application or renewal. For the purposes of this chapter an assertion of understanding a provision of law or a statement of intent to comply with a provision of law or this chapter shall not be considered to be a material fact.

Material false statement. A “material false statement” is any false or misleading representation of material fact, or the failure to state a material fact, if such use of, or failure to state, has a natural tendency to influence, or was capable of influencing, the administering agency’s decisions relating to an application for, amendment of, or renewal of, a short-term rental registration made pursuant to these rules and NYC administrative code § 26-3102.

Owner. The term “owner” has the meaning ascribed to such term by the housing maintenance code, except that for the purposes of this chapter shall not be construed to include a tenant in legal possession of a dwelling unit.

Permanent Occupant. The term “permanent occupant” shall mean a natural person or a family occupying a dwelling unit for 30 consecutive days or more, except that a boarder, roomer, or lodger shall not be considered a permanent occupant for the purposes of this chapter.

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

Registered host or host. The term “registered host” or “host” means a natural person who is a permanent occupant of a dwelling unit registered in accordance with these rules and chapter 31 of title 26 of the NYC administrative code.

Rentee. The term “rentee” means a boarder, roomer, or lodger, as defined in section BC 202 of the New York city building code, involved in a short-term rental.

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

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

Short-term rental registration number. The term “short-term rental registration number” means a registration number issued by the administering agency in accordance with the registration of a dwelling unit pursuant to these rules and chapter 31 of title 26 of the NYC administrative code.

### **§ 21-02 Short-term rental registration required**

1. A person who owns, manages, occupies, or otherwise controls a dwelling unit shall not offer, manage, or administer short-term rentals of such dwelling unit or portion thereof unless such dwelling unit is registered with the administering agency, such dwelling unit has been issued a unique short-term rental registration number, and such registration is currently valid.
2. A person who owns, manages, occupies, or otherwise controls a dwelling unit shall not falsely represent or falsely advertise that a dwelling unit is registered for short-term rental when such a dwelling unit is not registered for short-term rental.
3. The requirements of this chapter do not apply to the short-term rental of class B multiple dwellings or class B dwelling units within mixed use buildings.

### **§ 21-03 Short-term rental registration application and approval procedures**

1. To register a dwelling unit for short-term rentals, an applicant shall file a completed short-term rental application in accordance with the requirements of this section and meet all other requirements herein. An applicant must be a permanent occupant of the dwelling unit. An applicant may not apply for more than one short-term rental registration number. An applicant may not host short-term rentals in more than one dwelling unit.
2. Applications may be completed using an online registration portal accessible from the administering agency’s website.
3. An applicant must provide the following information as part of their application for short-term rental registration:
  - a. Full legal name;
  - b. A current phone number;
  - c. Full physical address where short-term rental will take place, including street number, street name, zip code, borough, and unit number where there is more than one dwelling unit in the building;

- d. An email address that will be used to receive communication from the administering agency, or other alternate means of communication acceptable to the administering agency;
  - e. Type of dwelling unit, where known to the applicant (e.g., single family building, apartment in a two family building, apartment in a building with 3+ units, condominium, apartment in a co-op building);
  - f. The number of individuals not related by blood, adoption, legal guardianship, marriage or domestic partnership that reside with the registrant in the unit.;
  - g. The uniform resource locator or listing identifier and the associated booking service name for all existing listings of the dwelling unit; and
  - h. Whether the applicant is a tenant or owner of the dwelling unit.
4. An applicant may provide a chosen name or preferred name other than their legal name for use by the administering agency in communicating with the applicant, and may indicate if the chosen or preferred name is the name on file with booking services used by the applicant. Where the chosen or preferred name is indicated as such, the administering agency shall allow for the use of such name in conducting verifications by booking services pursuant to NYC administrative code § 26-3202.
5. Applicants that are tenants shall also provide the portion of their lease that describes the period of tenancy, the address of the unit of housing, and the names and signatures of the parties to the lease. If the applicant does not have a lease, the administering agency may accept other documentation that establishes the period for which the applicant is legally entitled to occupancy. The agency may, at its sole discretion, accept a written statement that provides the information and explains why documentation is not available.
6. As part of the application process, an applicant shall be required to prove their identity by providing to the administering agency a copy of one of the following unexpired documents:
  - a. Driver's license or State-issued ID;
  - b. U.S. Passport or U.S. Passport card;
  - c. U.S. Military ID;
  - d. Permanent Resident Card or Employment Authorization card issued by the United States Government;
  - e. A foreign passport or driver's license;
  - f. IDNYC card; or
  - g. Other forms of proof that the administering agency determines are acceptable and indicates as such by including such information on the agency's website.

The administering agency may, at its sole discretion, accept such other proof not listed above where an applicant does not have any of the listed identity documents.
7. As part of the application process, an applicant shall be required to prove their permanent occupancy by providing to the administering agency a copy of a document from at least two of the following categories showing the applicant's name and the address the applicant is seeking to register:



- a. Utility bill, dated within the last 60 days (e.g., telephone, gas, electric, cable, or water);
  - b. Correspondence from any government agency that shows home address;
  - c. A voter registration card;
  - d. A social security statement;
  - e. A bank statement dated within the last 60 days;
  - f. An automobile registration documentation;
  - g. Income tax form for the last calendar year;
  - h. Insurance documentation or insurance bill that shows home address;
  - i. Current (active) license or permit or certificate issued by a City/State/Federal government agency that shows home address;
  - j. College or school correspondence that shows home address;
  - k. A w-2 from the most recent tax filing period;
  - l. Official payroll documentation that includes home address issued by an employer within the past 60 days, such as a paystub with home address, a form submitted for tax withholding purposes, or payroll receipt; or
  - m. other forms of proof that the administering agency determines are acceptable and indicates as such by including such information on the agency's website.
- Any document listed in this paragraph that contains financial information or personal identifying information about an individual that is not the applicant may be redacted by the applicant such that the financial information or personal information of a non-applicant is not visible, and the administering agency shall accept the documents unless the redaction interferes with its ability to confirm the authenticity of the documentation.
8. As part of the application process, an applicant shall be required to certify that they understand and agree to comply with applicable provisions of the zoning resolution, multiple dwelling law, housing maintenance code, New York city construction codes and other laws and rules relating to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings including but not limited to:
    - a. New York City Administrative Code, Title 28, Articles 118, 210, 301, 701 (BC § 310);
    - b. New York City Administrative Code, Title 27, Chapter 1, Subchapter 3, Article 18;
    - c. New York City Building Code § 310;
    - d. New York City Housing Maintenance Code §§ 27-2004, 2057-2088; and
    - e. Multiple Dwelling Law §§ 4(8), 121, 248.
  9. As part of the application process, an applicant shall be required to certify that they understand and agree to comply with the section of this chapter entitled "Registered host requirements".
  10. The applicant shall be required to certify and agree that any listing of a dwelling unit with a booking service shall be reported to the administering agency prior to such listing being used to make an agreement for short-term rental.

11. An applicant who is a tenant of the dwelling unit that is the subject of the short-term rental application shall be required to certify that they are not prohibited by the terms of a lease or other agreement from applying for a short-term rental registration for the dwelling unit and from subsequently acting as host for short-term rentals within such dwelling unit.
12. An applicant who is a tenant of the dwelling unit that is the subject of the short-term rental application shall be required to acknowledge that they understand that the owner of record of the dwelling unit and of the building will be notified that an application for a short-term rental registration has been received.
13. The application fee for registration shall be \$145. Payments shall be required at the time the application is submitted. The applicant will be required to acknowledge that the application fee is non-refundable.
14. Prior to requiring payment, the applicant shall indicate their understanding that the administering agency is required by NYC administrative code § 26-3105 to publish on the city open data portal, for all registrations: the registration number; the uniform resource locators associated with such registration; the address and unit number of the dwelling unit, including latitude and longitude; the status of the registration, including active or revoked; and the expiration date of the registration.
15. When an application for short-term rental is complete and submitted, the applicant will receive an email confirmation to the email address provided in the application, notifying the applicant that the application is under review.
16. Upon receipt of a complete application, the administering agency shall notify the owner of record of the dwelling unit and of the building, that an application for a short-term rental registration has been received. The notification shall include information about applying for inclusion on the prohibited buildings list. The notification shall not include any additional personal identifying information about the applicant.
17. If any information submitted in an application changes while the administering agency is reviewing such application, the applicant must notify the administering agency and provide updated information.
18. Upon approving an application, the administering agency shall provide a short-term rental registration certificate that will include the full address associated with the registration, a unique short-term rental registration number, an expiration date, and a phone number to call in the event of an emergency.
19. Issuance of a registration for a dwelling unit pursuant to this chapter shall not be construed as permission for or approval of the use of such dwelling unit for any occupancy that would be in violation of a lease, cooperative bylaws, condominium association rules and regulations, the multiple dwelling law, the zoning resolution, the

New York city construction codes, the housing maintenance code or any other applicable rules, regulations, or laws.

20. Issuance of a registration does not alter and may not be deemed to alter the legal occupancy or zoning use group of a building or portion thereof as described in the certificate of occupancy or as otherwise determined by the department of buildings.

#### **§ 21-04 Incomplete applications**

Where the administering agency determines that a submitted application is not sufficient to be approved, it shall notify the applicant of the necessary documents or information needed to complete the review of the application. If additional information for registration is required, the administering agency will request such information at the email address provided as part of the application, or by alternate method where approved by the administering agency. If the information needed to evaluate the application is not received within 30 days, the application will be rejected. Upon application the administering agency may grant an extension for good cause.

#### **§ 21-05 Term of registration; Expiration of registration**

1.
  - a. The term of the registration shall be four years, except as provided in subdivision b.
  - b. In a case where the applicant's right to occupy the dwelling unit will terminate in less than four years, the administering agency shall set a registration expiration date that is the end date of the period that the applicant has demonstrated they have a right of occupancy.
2. Where the registration expiration date is shorter than four years based on the demonstrated date of a right to occupy the dwelling unit, the registered host may at any time during the registration term provide the administering agency proof that their right of occupancy period has been extended. There shall be no additional fee for requesting such an extension. If the administering agency finds such proof acceptable, the administering agency shall provide a new expiration date that shall be the shorter of either:
  - a. Four years from the original issuance date; or
  - b. the end date of the period that the applicant has demonstrated they have a right of occupancy.
3. Immediately upon expiration of a short-term rental registration number or if the host is no longer the permanent occupant of the registered dwelling unit, the host must cease booking the rental unit on all applicable booking services platforms and must cancel all pending reservations.

#### **§ 21-06 Amendment of a short-term rental registration**

1. If any information, other than the phone number or email address, required by § 21-03 of this chapter that was provided by a registered host in connection with an application for a short-term rental registration changes before the expiration of such registration, such registered host must submit a request to the administering agency to amend the registration.
2. Such request must be submitted, in the same manner as the application was made, to the administering agency within 15 business days of the change absent extenuating circumstance, along with any applicable supporting documentation of the change or circumstance.
3. Prior to using any listing not disclosed to the administering agency prior to receiving a registration, the registered host shall provide the uniform resource locator or listing identifier of any listing and the associated booking service name for the listing and request that the administering agency amend the registration to include such listing.
4. The administering agency shall review each request for amendment to ensure that the amendment would not violate the provisions of chapter 31 of title 26 of the administrative code or these rules, or otherwise result in unlawful activity under the registration. The administering agency may request additional information from the registered host as necessary to make a determination.
5. The administering agency shall issue a final agency determination regarding such request for amendment within a reasonable timeframe.
6. Where the information provided in the request for amendment would support revocation of the registration or would form the basis of a violation of chapter 31 of title 26 of the administrative code or these rules, the administering agency shall offer an opportunity to terminate the registration voluntarily within 10 days before issuing violations or taking enforcement action based on the requested amendment. Where the requested amendment is solely the addition of a listing that the administering agency determines to offer illegal occupancy, the administering agency may also offer the opportunity to amend or withdraw that listing in lieu of voluntary termination of the registration.

#### **§ 21-07 Renewal of a short-term rental registration**

1. A short-term rental registration may be renewed by filing an application for renewal using the online registration portal accessible through the administering agency's website. Renewals will be accepted beginning 180 days before the expiration of a host's current registration. A renewal that is approved before the expiration of the registration period will be effective on the date of the expiration of the original registration.
2. As part of the application for renewal, the registered host must:

- a. Affirm that all information previously provided in an application for registration or renewal, or previously provided as a required update, remains true and accurate or update such information in accordance with paragraph (b) of this subdivision;
  - b. Provide adequate documentation to satisfy the application requirements where a document previously provided has either expired or is no longer recent enough to satisfy the requirements; and
  - c. Certify that they have maintained a record of each short-term rental transaction in accordance with subdivision 5 of section 21-10 below.
3. The renewal fee will be the same as the application fee. Payments shall be required at the time the application for renewal is submitted.
  4. If the information provided by an applicant in connection with a renewal changes before the renewal application is granted or denied, the applicant must immediately notify the administering agency.
  5. Renewal of a registration for a dwelling unit pursuant to this chapter shall not be construed as permission for or approval of the use of such dwelling unit for any occupancy that would be in violation of a lease, cooperative bylaws, condominium association rules and regulations, the multiple dwelling law, the zoning resolution, the New York city codes, the housing maintenance code or any other applicable rules, regulations, or laws.
  6. Renewal of a registration does not alter and may not be deemed to alter the legal occupancy or zoning use group of a building or portion thereof as described in the certificate of occupancy or as otherwise determined by the department of buildings.

### **§ 21-08 Denial of a short-term rental registration or renewal**

1. No short-term rental registration shall be issued or renewed for a dwelling unit where the administering agency has determined that, in accordance with the records of the department of buildings, the department of housing preservation and development and the fire department, there are uncorrected violations of the New York city construction codes, the housing maintenance code, or the fire code that would endanger occupants of such dwelling unit, including but not limited to where:
  - a. There is an uncorrected violation that is based on the condition of the dwelling unit sought to be registered, and such violation is a Class 1 violation of the New York city construction codes, or a Class C violation of the housing maintenance code;
  - b. There is an uncorrected violation of the fire code;
  - c. There is an uncorrected violation for Work without a Permit pursuant to the New York city construction codes that is based on the condition of the dwelling unit sought to be registered;
  - d. The dwelling unit is subject to a vacate order by any city agency, or to a stop work order issued by the department of buildings; or

- e. There is an uncorrected violation for Failure to File a Required Tenant Protection Plan pursuant to the New York city construction codes.  
The administering agency's determination of which violations would endanger occupants of a dwelling unit are made exclusively for the purposes of determining whether to grant a registration or renewal and shall not be binding on or attributed to any other agency.
2. No short-term rental registration or renewal shall be issued unless the administering agency has verified that the occupancy classification of the dwelling unit allows residential occupancy.
  3. No short-term rental registration or renewal shall be issued for a dwelling unit in a New York city housing authority development.
  4. No short-term rental registration shall be issued or renewed for a rooming unit.
  5. No short-term registration shall be issued or renewed for the short-term rental of a dwelling unit the rent of which is regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, the local emergency housing rent control act of 1962, sections four hundred and twenty-one-a or four hundred eighty-nine of the real property tax law, in a housing development organized pursuant to article two of the private housing finance law and supervised by the department of housing preservation and development, or any other law or rule or an agreement with a governmental entity.
  6. No short-term rental registration shall be issued or renewed for a dwelling unit in a building included on the prohibited buildings list.
  7. No short-term rental registration shall be renewed while a revocation proceeding has been initiated by the administering agency and remains pending.
  8. The administering agency shall not approve a registration or renewal application that includes any listing or listing identifier that advertises illegal occupancy, including listings that offer or appear to offer the unhosted rental of an entire unit or that offers or appears to offer occupancy to more than the lawful number of roomers, boarders, or lodgers permitted by section 27-2004 of the housing maintenance code.
  9. The administering agency may refuse to approve a registration or renewal application where such applicant was previously issued a registration pursuant to this chapter and such registration was revoked pursuant to section 21-13 of these rules.
  10. The administering agency may refuse to approve a registration or renewal application where such applicant has been determined to have committed any of the acts which would be a basis for the revocation of a registration pursuant to section 21-13 of these rules.

11. No short-term registration shall be renewed until all fines imposed pursuant to these rules or N.Y.C. Administrative Code 26-3104 have been paid.
12. Prior to denying an application, the administering agency shall review the reasons for potential denial in accordance with the grounds for denial set forth in this section. Where all such reasons are for criteria that can be resolved through correction by the applicant, the agency shall not deny the application outright, but shall notify the applicant of the basis for denial and provide the applicant 90 days to resolve the conditions that would otherwise warrant rejection. After the expiration of the 90-day period, the application shall be denied unless all identified bases for denial are resolved to the satisfaction of the administering agency. During the 90-day period, upon notice from the applicant that the basis for potential denial has been resolved, the administering agency shall resume its review of the application. If the conditions continue to warrant denial, the applicant shall be notified and have the remainder of the 90 days to resolve the conditions. Upon application the administering agency may provide an extension of the 90 days for good cause.
13. If an application is denied, the administering agency will notify the applicant and include all reasons for rejecting the application in accordance with the grounds for denial. This rejection shall constitute a final agency action.

#### **§ 21-09 Prohibited buildings list**

1. The administering agency shall create and maintain a prohibited buildings list, which shall contain the address of each building whose owner, including any applicable board of a cooperative or condominium corporation, has notified the agency that no short-term rental of any dwelling unit within the building is permitted.
2. To be added to such prohibited buildings list, a building owner, including any applicable board of a cooperative or condominium corporation, or the manager or agent of such building or board, must submit an online application to the administering agency.
3. When submitting an application pursuant to subdivision (2) of this section, the applicant shall be required to provide:
  - a. The name of a natural person making the application;
  - b. A working phone number for the applicant;
  - c. An email address for the applicant;
  - d. The address of the building the applicant seeks to add to the list;
  - e. An explanation of the relationship between the owner and the applicant; and
  - f. Any proof or documentation requested by the administering agency to substantiate the request where the administering agency has cause to require further verification.
4. The applicant must certify that leases and other occupancy agreements for dwelling units within the building prohibit short-term rentals.

5. The administering agency shall send a letter to the owner of record whenever it receives an application for inclusion on the prohibited buildings list.
6. Inclusion or lack of inclusion on such list does not alter and may not be deemed to alter the legal occupancy or zoning use group of a building or portion thereof as described in the certificate of occupancy or as otherwise determined by the department of buildings.
7. The administering agency will publish the list of prohibited buildings on the city's open data website. The list shall be updated in as close to real time as practicable and published in the same location.
8. Application to remove a building from the prohibited buildings list shall be made by using an online application accessible from the administering agency's website. A building owner, including any applicable board of a cooperative or condominium corporation, or the manager or agent of such building or board, shall be required to provide:
  - a. the name of a natural person making the application;
  - b. A working phone number for that applicant;
  - c. An email address for the applicant;
  - d. The address of the building the applicant seeks to remove from the list;
  - e. An explanation of the relationship between the owner and the applicant; and
  - f. A statement describing the basis for removal from the list.
9. The administering agency shall add to the prohibited buildings list all buildings the administering agency is aware of that are precluded from registration based on subdivisions 3, 4, and 5 of section 21-08 of this chapter, and indicate the basis for inclusion. The administering agency shall deny all applications to remove such building from such list unless it discovers that the basis for inclusion has changed.

#### **§ 21-10 Registered host requirements**

1. No person shall operate a short-term rental in violation of provisions of the zoning resolution, multiple dwelling law, housing maintenance code, and New York city construction codes relating to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings.
2. During each short-term rental, a registered host must conspicuously post and maintain within the dwelling unit a diagram indicating all exit routes from the unit. Where the building contains more than one unit, such diagram must also indicate all exit routes from the building.
3. During each short-term rental, a registered host must conspicuously post and maintain, within the dwelling unit, a copy of the short-term rental registration certificate provided by the administering agency.



4. A registered host must provide the short-term rental registration number in all advertisements or offers for short-term rental. The information in each listing must match the information provided to the administering agency in the application associated with such registration number.
5. A registered host shall retain a record of each short-term rental for at least seven years. Each record shall include the following information:
  - a. The uniform resource locator or listing identifier used to create the rental;
  - b. The booking start date;
  - c. The total number of nights that the dwelling unit or housing accommodation was rented as a short-term rental;
  - d. The number of persons accommodated by the short-term rental; and
  - e. The total amount of rent received by the host.

If a booking service can provide a report to a registered host that meets the criteria of this subsection, the registered host does not need to maintain the records separately. If the booking service does not provide reports that meet the criteria above, the host must maintain the required record in a digital spreadsheet that allows conversion of data to a “.csv” format. The administering agency shall provide a model template on its website.

6. In accordance with applicable law, upon request by the administering agency to provide the transaction reports in this section, registered hosts shall have 15 business days to provide the requested records via a secure portal accessible from the administering agency’s website.
7. If a registered host’s submission in response to a request for transaction reports is missing, incomplete, or inaccurate, the administering agency will provide the host with a written notice of the deficiencies in compliance. The notice shall include specific information regarding deficiencies in need of correction. The host shall have 15 business days from the date such notice is provided to either correct the deficiency or provide a written statement explaining why the required information is unavailable or how it is complete or accurate. The host shall submit the corrections or explanation in a manner directed in the notice of deficiency. Upon the conclusion of the 15 business-day period in which the host may cure deficiencies, the administering agency may seek civil penalties for any continuing deficiency.
8. The registered host shall be responsible for ensuring that the information the host has on file with booking services matches the registered name, address, and registration number from the certificate.
9. A short-term rental registration may not be transferred or assigned to another host or to another dwelling unit.

10. If a registered host no longer resides as a permanent occupant in the dwelling unit used for short-term rentals, the host must immediately contact the administering agency to terminate the registration.
11. A registered host shall not accommodate more renters in a registered dwelling unit at the same time than they are allowed to have pursuant to section 27-2004 of the housing maintenance code.
12. A registered host must maintain a common household with a renter. Pursuant to Housing Maintenance Code § 27-2004, a common household is deemed to exist if every member of the household including the renter has access to all parts of the dwelling unit, and lack of access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists.
13. A registered host shall not offer, arrange for, or allow the short-term rental of an entire registered dwelling unit.

#### **§ 21-11 Privacy and security of information**

1. Unless otherwise required by federal, state, or local law, information provided pursuant to this chapter will be kept confidential by the administering agency, and shall be used or disclosed by the administering agency and the personnel of agencies assigned to such administering agency solely for purposes related to the enforcement of laws relating to short-term rentals. Nothing in this section shall prohibit the administering agency from describing the information in aggregated or deanonymized form.
2. Identifying information, as defined in section 23-1201 of the administrative code, will be collected, retained, and disclosed by the administering agency in compliance with this chapter and with the requirements and approvals by chapter 12 of title 23 of the administrative code.
3. The administering agency will protect the privacy and security of identifying information by implementing appropriate physical, technical and administrative safeguards, in accordance with the city's information technology security standards and requirements relating to the use, transfer and storage of confidential data.

#### **§ 21-12 Retention and disposal of information**

1. The administering agency will retain records provided by registered hosts pursuant to this chapter:
  - a. As long as a registration remains active, and for a period of three years after the revocation or lapse of such registration unless retention is required;
  - b. As long as an investigation or enforcement action involving the records remains open; and

- c. For a period of three years after all investigations and enforcement actions are closed, except that records involved in civil court litigation will be kept for a period of 10 years after the close of the case.
2. The administering agency will retain records provided by building owners relating to the prohibited buildings list for as long as the building remains on the prohibited buildings list, plus three years.

### **§ 21-13 Penalties**

1. No penalties will be imposed for violations of these rules or of Chapter 31 of Title 26 of the Administrative Code of the City of New York Chapter until May 9, 2023, nor shall any such violation be based on conduct that occurred prior to May 9, 2023, unless such conduct is continued past such date.
2. Civil penalties established by this section may be imposed and recovered in a proceeding before the office of administrative trials and hearings or a court of competent jurisdiction. Notices of violation, administrative summonses, and appearance tickets for violations may be issued by officers and employees of the administering agency or other city agencies designated by such administering agency.
3. Any person who violates subdivision a of section 26-3102 of the administrative code shall be liable for a civil penalty of not more than the lesser of \$5000 or three times the revenue generated by the short-term rental for each such violation. Any person who violates any other provision of chapter 31 of title 26 of the administrative code or any provision of these rules shall be liable for a civil penalty of the applicable amount contained in the following penalty table.

| <b><u>Citation</u></b>  | <b><u>Violation Description</u></b>   | <b><u>Cure</u></b> | <b><u>First Violation</u></b> | <b><u>First Default</u></b> | <b><u>Second Violation</u></b> | <b><u>Second Default</u></b> | <b><u>Third and Subsequent Violation</u></b> | <b><u>Third and Subsequent Default</u></b> |
|-------------------------|---|--------------------|-------------------------------|-----------------------------|--------------------------------|------------------------------|--|--|
| Admin Code § 26-3102(j) | Failing to timely notify administering agency of changes to information provided by the applicant in connection with a short-term rental application                        | Yes                | \$100                         | \$500                       | \$500                          | \$2,500                      | \$1,000                                      | \$5,000                                    |
| Admin Code § 26-3103(a) | Failing to conspicuously post and maintain, within a dwelling unit, a diagram indicating normal and emergency egress routes for such unit and building containing such unit | Yes                | \$100                         | \$500                       | \$500                          | \$2,500                      | \$1,000                                      | \$5,000                                    |
| Admin                   | Failing to conspicuously  | Yes                | \$100                         | \$500                       | \$500                          | \$2,500                      | \$1,000                                      | \$5,000                                    |

|   |   |     |                |                |                |                |                |                |
|---|---|-----|----------------|----------------|----------------|----------------|----------------|----------------|
| Code §<br>26-<br>3103(a)                    | <u>post and maintain, within a dwelling unit, a copy of the short-term rental registration certificate for such unit</u>                          |     |                |                |                |                |                |                |
| Admin<br>Code §<br>26-<br>3103(b)           | <u>Failing to include a short-term rental registration number in an advertisement or other offer for short-term rental of a dwelling unit</u>     | Yes | <u>\$100</u>   | <u>\$500</u>   | <u>\$500</u>   | <u>\$2,500</u> | <u>\$1,000</u> | <u>\$5,000</u> |
| Admin<br>Code §<br>26-3103(c)               | <u>Failing to maintain a record of each short-term rental, for at least seven years after such short-term rental occurred</u>                     | No  | <u>\$500</u>   | <u>\$2,500</u> | <u>\$1,000</u> | <u>\$5,000</u> | <u>\$5,000</u> | <u>\$5,000</u> |
| Admin<br>Code §<br>26-3104(c)               | <u>Making a material false statement or concealing a material fact in connection with filing or renewing an application for short-term rental</u> | No  | <u>\$1,000</u> | <u>\$1,000</u> | <u>\$1,000</u> | <u>\$1,000</u> | <u>\$1,000</u> | <u>\$1,000</u> |
| Admin<br>Code Title<br>26,<br>Chapter<br>31 | <u>All other violations of Chapter 31 of Title 26 of the New York City Administrative Code and these rules</u>                                    | No  | <u>\$100</u>   | <u>\$500</u>   | <u>\$500</u>   | <u>\$2,500</u> | <u>\$1,000</u> | <u>\$5,000</u> |

4. All citations are to chapter 31 of title 26 of the administrative code or to chapter 21 of title 43 of the rules of the city of New York.
5. Unless otherwise specified, a second or third or subsequent violation means a violation by the same respondent, within 3 years of the prior violation(s). When a prior violation was dismissed, the penalty shall be reduced as if the violation was charged without consideration of the dismissed violation.
6. Where indicated as eligible for cure in the table of penalties, the fine for a first violation of each section will be zero if the respondent proves by a preponderance of the evidence that the basis for the violation has been corrected. Subsequent violations of that type will not be eligible for cure.

### **§ 21-14 Revocation**

1. A short-term rental registration shall be revoked, after the registered host is given notice and an opportunity to be heard, in any of the following circumstances:
  - a. The dwelling unit has been used in violation of restrictions in the zoning resolution, multiple dwelling law, housing maintenance code and New York city construction codes relating to the short-term rental of dwelling units in

- private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings;
- b. The applicant made a materially false statement or concealed a material fact in connection with the filing of a short-term rental application or renewal pursuant to these rules;
  - c. The registered host has committed three or more violations of chapter 31 of title 26 of the administrative code or these rules within a period of 24 months;
  - d. The dwelling unit that is the subject of the short-term rental application was added to the prohibited buildings list after the registration had been approved; and
  - e. The administering agency, after issuing the registration, discovers information that would have precluded the administering agency from granting the registration had the information been known at the time.
2. A Notice of Intent to Revoke a short-term rental registration shall be sent from the administering agency to the registered host that provides the following information:
    - a. All reasons that the administering agency will allege as a basis for revocation;
    - b. When applicable, the violation numbers of any violations previously issued that constitute a basis for revocation; and
    - c. Information on the registered host's right to a hearing in accordance with subdivision d of section 26-3104 of the administrative code.
  3. A registered host may consent to revocation without a hearing.
  4. The administering agency shall, as soon as practicable, notify each booking service disclosed by the registrant as having a listing for the registered dwelling unit of any revocation of a short-term rental registration.

**Chapter 22**  
**BOOKING SERVICE REQUIREMENTS FOR**  
**SHORT-TERM RENTALS**

|                      |  |
|----------------------|--|
| <b><u>§22-01</u></b> | <b><u>Definitions</u></b>                        |
| <b><u>§22-02</u></b> | <b><u>Verification of short-term rentals</u></b> |
| <b><u>§22-03</u></b> | <b><u>Reporting requirements</u></b>             |
| <b><u>§22-04</u></b> | <b><u>Fees</u></b>                               |
| <b><u>§22-05</u></b> | <b><u>Penalties</u></b>                          |

**§22-01 Definitions**

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 subsequently designated by executive order.

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

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

Booking Service. The term “booking service” has the meaning ascribed to such term by section 26-2101 of the Administrative Code of the City of New York, as added by local law number 146 for the year 2018.

Directly or indirectly. The term “directly or indirectly” has the meaning ascribed to such term by section 26-2101 of the Administrative Code of the City of New York, as added by local law number 146 for the year 2018.

Dwelling unit. The term “dwelling unit” has the meaning ascribed to such term by the housing maintenance code.

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

used to offer the short term rental is associated with the currently valid short-term rental registration number; and (iii) obtain a unique confirmation number reflecting that such verification has occurred.

Full Legal Name. The term “full legal name” means either the actual legal name of a registered host or the chosen or preferred name provided by a registered host to the administering agency and accepted for use by the administering agency in relationship to the registration.

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

Listing identifier. The term “listing identifier” means a unique identification number assigned by the booking service to each listing.

Registered host or host. The term “registered host” or “host” means a natural person who is a permanent occupant of a dwelling unit registered in accordance with these rules.

Short-term rental. The term "short-term rental" has the meaning ascribed to such term in section 26-2101 of the Administrative Code of the City of New York, as added by local law number 146 for the year 2018.

Short-term rental registration number. The term “short-term rental registration number” means a registration number issued in accordance with the registration of a dwelling unit pursuant to section 26-3102 of the Administrative Code of the City of New York and chapter 21 of this title.

## **§22-02 Verification of lawful short-term rentals**

1. A booking service shall not charge, collect, or receive a fee from a person in connection with a short-term rental of a dwelling unit or housing accommodation unless such booking service has used the electronic verification system maintained by the administering agency either to:
  - a. Verify that a short-term rental is for a dwelling unit or housing accommodation within a class B multiple dwelling on the list of class B multiple dwellings published pursuant to section 26-2103, as added by local law number 146 for the year 2018; or
  - b. Verify that 1) the dwelling unit or housing accommodation that is the subject of such short-term rental is associated with the short-term rental registration number submitted by such person to the booking service, 2) such registration is currently valid, 3) that the uniform resource locator or listing identifier being used to offer the short-term rental is associated with the short-term rental registration number, and 4) that the host’s full legal name and physical

address information provided by such person to the booking service match the information contained in the electronic verification system.

2. The electronic verification system will accept from a booking service through an application program interface the street address, host name, registration number, and the uniform resource locator or listing identifier being used to offer the short-term rental. If the street address matches an address on the list of Class B multiple dwellings, the electronic verification system will provide a unique confirmation number to the booking service, reflecting that such verification has occurred. If the street address does not match an address on the list of Class B multiple dwellings, the electronic verification shall verify that the registration number is currently valid and associated with the host name, street address and the uniform resource locator or listing identifier being used to offer the short-term rental. If the data submitted matches the records related to the registration number, the electronic verification system will provide a unique confirmation number to the booking service, reflecting that such verification has occurred. The confirmation number shall be formatted such that the booking service shall be able to identify whether the verification match was based on a Class B list or a registration status.
3. The administering agency shall incorporate the registration expiration date into the unique code and shall provide all bookings services that use the electronic verification service information sufficient to understand how the date is included. The processing of a transaction by a booking service relying on a code that contains the expiration date shall be presumptive evidence that the booking service is aware of the expiration date of the registration.
4. The booking service must retain all unique confirmation numbers for use in meeting the reporting requirement below.
5. A booking service shall reverify each listing:
  - a. within twelve calendar months of the previous verification, except where the previous verification's unique confirmation number indicates that the verification was based on Class B dwelling list match;
  - b. within 15 business days of the expiration date contained in the unique confirmation number; and
  - c. whenever it knows or should have known that any data it used to complete the most recent verification has changed, including but not limited to the host's name and the address of the listing.
6. A booking service will be required to provide an email address to the administering agency that will be used by the administering agency to transmit notices of revocation.
7. A booking service will be presumed to know that a registration has been revoked if an email notifying the booking service of the revocation was sent to the email account provided by the booking service and 15 business days have passed since the email was sent.



### **§22-03 Reporting requirements**

1. A booking service shall submit to the administering agency a monthly report of each short-term rental transaction processed by the booking service. Such report shall be electronically submitted on a monthly basis by a booking service through a secure portal accessible from the administering agency's website. The report shall be in the format published on the administering agency's website. The report shall include the following information:
  - a. The booking service's public uniform resource locator for the listing or other listing identifier; and
  - b. The unique confirmation number obtained from the electronic verification system.

A booking service may provide the required data once per transaction or may provide the data and indicate the number of transactions processed relying on the unique confirmation.

2. Submission of such report shall constitute a statement by the booking service that for each transaction enumerated in the report, the verification required by this chapter occurred.
3. Each report shall cover transactions occurring during a period that begins with the first day of a reporting period and ends with the last day of that reporting period.
4. A transaction related to a short-term rental that begins in one reporting period but ends in a subsequent reporting period shall be included in the report covering the reporting period in which such rental concludes.
5. Except for the initial reporting period, the reporting periods shall begin on the first day of a month and end on the last day of that month. The initial reporting period shall begin May 9, 2023, and end on May 31, 2023.
6. The initial report shall be submitted not more than 30 calendar days after the conclusion of the initial reporting period. Following the initial report, a booking service must submit the report to the administering agency not more than 15 calendar days after the conclusion of the reporting period.

### **§22-04 Fees**

1. Each booking service shall register with the administering agency to use the electronic verification system. Such registration shall require the name of the booking service, an email that the booking service agrees to receive correspondence with, the name of a contact person, and the phone number for the contact person. The booking service shall provide the number of listings that it reasonably believes it will

verify the registration status of using the electronic verification system per calendar year.

2. The booking service shall pay an initial fee to use the electronic verification system equivalent to \$2.40 per listing that it provides during registration, and such fee shall be required to be paid to complete the registration.
3. The administering agency shall charge \$2.40 for each listing the booking service submits for verification in a calendar year, except that there shall be no fee when a listing was verified as having an address that matches an address on the list of Class B multiple dwellings. Reverification of a listing in compliance with section 22-02(5) of this chapter shall not result in an additional charge. The administering agency shall conduct a quarterly reconciliation of each booking service's use of the electronic verification system. The administering agency shall provide a statement to the booking service indicating the number of listings verified, the number that had not been previously verified in the calendar year, the number that were on the list of Class B multiple dwellings, and the total charges in the quarter. The booking services shall not be liable for fees equal to the initial registration fee, and the administering agency shall reflect on the statement a credit equivalent to such fee.
4. Once a booking service is provided a statement showing that it owes money, it shall pay the balance within 30 days. Failure to pay the balance within 30 days will result in a suspension of the booking service's registration to use the electronic verification system.

### **§22-05 Penalties**

1. No penalties will be imposed for violations of these rules or of Chapter 32 of Title 26 of the Administrative Code of the City of New York until May 9, 2023, nor shall any such violation be based on conduct that occurred prior to May 9, 2023.
2. For each transaction in which a booking service charges, collects, or receives a fee, directly or indirectly, for activity described in the definition of booking service in relation to a short-term rental in violation of section 22-02 of this chapter, such booking service shall be liable for a civil penalty of not more than \$1,500. However, if such booking service can establish the amount of such fee, the civil penalty shall be not more than three times such fee. A booking service may establish the amount of such fee by providing to the administering agency records reflecting the fee in which the booking service charged, collected, or received for such transaction. A booking service shall not be penalized for charging, collecting, or receiving a fee based on a short-term rental occupancy that commenced prior to the end of either the period in which a booking service must reverify a listing or the period after which a booking service is presumed to have notice of revocation.
3. A booking service that fails to submit information in compliance with the requirements of this chapter shall be liable for a civil penalty, to be assessed once per reporting period for each transaction that the booking service has failed to report.

4. 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 registration number or uniform resource locator. Penalties based on total fees shall not include any fees that were used to assess a previous penalty.
5. If a booking service's report is missing, incomplete, or inaccurate, the administering agency will provide the booking service with a written notice of its deficiencies in compliance. The notice shall include specific information regarding deficiencies in need of correction. The booking service shall have 15 business days from the date such a notice is provided to either correct the deficiency or provide a written statement explaining why the required information is unavailable or how it is complete or accurate. The booking service shall submit the corrections or explanation in a manner directed in the notice of deficiency. Upon the conclusion of the 15 business-day period in which a booking service may cure deficiencies, the administering agency may seek civil penalties for any continuing deficiency.
6. Civil penalties established by this section may be imposed and recovered in a proceeding before the office of administrative trials and hearing or a court of competent jurisdiction. Notices of violation, administrative summonses and appearance tickets for violations may be issued by officers and employees of the administering agency or other city agencies designated by such administering agency.