

# S.885 (Hinchey)/A.4130 (Fahy)

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<b>BILL</b> S.885 (Hinchey)/A.4130 (Fahy)
<b>SUBJECT</b> Short-term residential rentals of private dwellings in certain municipalities
<b>DATE</b> April 17, 2023
<b>OPPOSE</b>

The Business Council opposes S.885 (Hinchey)/A.4130 (Fahy).

Various provisions in this legislation violate the Communications Decency Act, 47 U.S.C. § 230 (“CDA”) as they impose liability on certain platforms for publishing third-party content. Local laws aimed at holding platforms responsible for the acts of others are preempted by Section 230. Additionally, the data sharing requirements of this legislation violate the Fourth Amendment, as these provisions compel disclosure of business records and personally identifiable information. The Fourth Amendment and

state corollaries protect individual and business information, and limit disclosure to governmental entities.

This legislation creates a complex dual state and local regulatory system.

Municipalities already have broad enforcement powers to regulate these issues. In its current form, this legislation would create an unnecessary burden to the New York Department of State by requiring the department to create a novel licensing scheme, gather information from countless state and local agencies, and enforce state and local laws. Municipalities already have broad enforcement powers to regulate these issues.

Additionally, this would be restricting property owners as this would add extra hurdles to renting out their properties and potentially act as a deterrent list their properties as short-term rentals. This has the potential to hurt tourism as this would limit the stock of hotel alternatives that many tourists prefer.

For these reasons, The Business Council opposes S.885 (Hinchey)/A.4130 (Fahy).

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