

# STATE OF NEW YORK

3125

2025-2026 Regular Sessions

## IN ASSEMBLY

January 23, 2025

Introduced by M. of A. ROSENTHAL, GLICK, LEVENBERG, SHIMSKY, SIMON,  
BURDICK, JACKSON -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to the use of auto-  
mated decision tools to make housing decisions

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

1 Section 1. The real property law is amended by adding a new section  
2 227-g to read as follows:

3 § 227-g. Use of automated decision tools. 1. For the purposes of this  
4 section, the following terms shall have the following meanings:

5 (a) "Automated decision tool" means any computational process, derived  
6 from machine learning, statistical modeling, data analytics, or artifi-  
7 cial intelligence, that issues simplified output, including a score,  
8 classification, or recommendation, that is used to substantially assist  
9 or replace discretionary decision making for making housing decisions  
10 that impact natural persons. "Automated decision tool" does not include  
11 a tool that does not automate, support, substantially assist, or replace  
12 discretionary decision-making processes and that does not materially  
13 impact natural persons, including, but not limited to, a junk email  
14 filter, firewall, antivirus software, calculator, spreadsheet, database,  
15 data set, or other compilation of data.

16 (b) "Disparate impact analysis" means an impartial evaluation  
17 conducted by an independent auditor. Such disparate impact analysis  
18 shall include, but not be limited to, testing of the extent to which use  
19 of an automated decision tool is likely to result in an adverse impact  
20 to the detriment of any group on the basis of sex, race, ethnicity, or  
21 other protected class under this article. A disparate impact analysis  
22 shall differentiate between applicants who were selected and applicants  
23 who were not selected by the tool.

24 (c) "Housing decision" means to screen applicants for housing.

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

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1 2. It shall be unlawful for a landlord to implement or use an auto-  
2 ated decision tool that fails to comply with the following provisions:

3 (a) No less than annually, a disparate impact analysis shall be  
4 conducted to assess the actual impact of any automated decision tool  
5 used by any landlord to select applicants for housing within the state.  
6 Such disparate impact analysis shall be provided to the landlord.

7 (b) A summary of the most recent disparate impact analysis of such  
8 tool as well as the distribution date of the tool to which the analysis  
9 applies shall be made publicly available on the website of the landlord  
10 prior to the implementation or use of such tool. Such summary shall  
11 also be made accessible through any listing for housing on a digital  
12 platform for which the landlord intends to use an automated decision  
13 tool to screen applicants for housing.

14 3. (a) Any landlord that uses an automated decision tool to screen  
15 applicants for housing shall notify each such applicant of the follow-  
16 ing:

17 (i) That an automated decision tool will be used in connection with  
18 the assessment or evaluation of such applicant;

19 (ii) The characteristics that such automated decision tool will use in  
20 the assessment of such applicant;

21 (iii) Information about the type of data collected for such automated  
22 decision tool, the source of such data, and the landlord's data  
23 retention policy; and

24 (iv) If an application for housing is denied through use of the auto-  
25 ated decision tool, the reason for such denial.

26 (b) The notice required by paragraph (a) of this subdivision shall be  
27 made no less than twenty-four hours before the use of such automated  
28 decision tool and shall allow such applicant to request an alternative  
29 selection process or accommodation.

30 4. The attorney general may initiate an investigation if a preponder-  
31 ance of the evidence, including the summary of the most recent disparate  
32 impact analysis establishes a suspicion of a violation. The attorney  
33 general may also initiate in any court of competent jurisdiction any  
34 action or proceeding that may be appropriate or necessary for correction  
35 of any violation issued pursuant to this section, including mandating  
36 compliance with the provisions of this section or such other relief as  
37 may be appropriate.

38 § 2. This act shall take effect immediately.