STATE OF NEW YORK

10676

IN ASSEMBLY

August 12, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Solages) -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to tenant selection screening guidelines

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

Section 1. Short title. This act shall be known and may be cited as the "Fair Chance: Reforming the Use of Credit Checks in Tenant Screening Act".

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

§ 227-g. Credit checks in tenant screening. 1. No landlord of a residential premises shall refuse to rent or offer a lease to a potential tenant due to a potential tenant's consumer credit history or score, or lack thereof, if the potential tenant:

(a) made full rent payments within five days of the date the rent was due for each of the twelve months immediately preceding the submission of the potential tenant's rental application; provided, however, that for rental applications submitted during or prior to June, two thousand twenty-two, missed or late rental payments that accrued between March, two thousand twenty and June, two thousand twenty-one shall not be considered cause to deny an application. In lieu of payments during such exempted time period, a potential tenant may use payments made immediately prior to March of two thousand twenty to demonstrate twelve months of consecutive timely rental payments;

(b) is the recipient of or a beneficiary of government provided subsidy or program that is paid directly to the landlord and pays the monthly rent in its entirety;

(c) has a credit history or report wherein any delinquencies, collections, money judgments, liens or other detrimental information are solely due to medical or student loan debt; or

(d) has a credit history or report wherein any delinquencies, collections, money judgments, liens or other detrimental information are

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

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the direct result of domestic violence, dating violence, sexual assault, or stalking.

2. If a potential lessor intends to deny a potential lessee's rental application due to credit history or score, such lessor must inform the potential lessee of the reasons for the denied application in writing and provide the potential lessee with an opportunity to demonstrate that any of the conditions set forth in subdivision one of this section apply to them within five days of receiving such written application denial.

3. There shall be a rebuttable presumption that a person is in violation of this section if it is established that the lessor refused to rent or offer a lease to a potential tenant after such lessor requested credit report information and the potential tenant demonstrated that any of the conditions set forth in subdivision one of this section applied to them.

4. Whenever the attorney general shall believe from evidence satisfactory to him or her that any person, firm, corporation or association or agent or employee thereof has violated this section, he or she may bring an action or special proceeding in the supreme court for a judgment enjoining the continuance of such violation and for a civil penalty of not less than five hundred dollars, but not more than one thousand dollars for each violation.

§ 3. This act shall take effect on the sixtieth day after it shall have become a law.