

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:

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

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

6 § 227-g. Credit checks in tenant screening. 1. No landlord of a resi-
7 dential premises shall refuse to rent or offer a lease to a potential
8 tenant due to a potential tenant's consumer credit history or score, or
9 lack thereof, if the potential tenant:

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

20 (b) is the recipient of or a beneficiary of government provided subsi-
21 dy or program that is paid directly to the landlord and pays the monthly
22 rent in its entirety;

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

26 (d) has a credit history or report wherein any delinquencies,
27 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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1 the direct result of domestic violence, dating violence, sexual assault,
2 or stalking.

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

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

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

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