

STATE OF NEW YORK

6773

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to prohibiting the use of credit checks for prospective tenants

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

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

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

5 § 227-g. Credit checks in tenant screening. 1. No landlord, lessor,
6 sub-lessor, rental broker, real estate agent, or apartment rental clear-
7 inghouse shall request from a potential lessee or a consumer reporting
8 agency a consumer report for the purposes of evaluating a rental appli-
9 cation.

10 2. As used in this section:

11 (a) "consumer report" means any written, oral, or other communication
12 of any information by a consumer reporting agency bearing on a consum-
13 er's credit worthiness, credit standing, credit capacity, character,
14 general reputation, personal characteristics, or mode of living which is
15 used or expected to be used or collected in whole or part for the
16 purpose of serving as a factor in establishing the consumer's eligibil-
17 ity for (i) credit or insurance to be used primarily for personal, fami-
18 ly, or household purposes, (ii) employment purposes, or (iii) other
19 purposes authorized under section three hundred eighty-b of the general
20 business law; and

21 (b) "consumer reporting agency" means any person who, for monetary
22 fees, dues, or on a cooperative nonprofit basis, regularly engages in
23 whole or in part in the practice of assembling or evaluating consumer
24 credit information or other information on consumers for the purpose of

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

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1 furnishing consumer reports or investigative consumer reports to third
2 parties.

3 3. Any individual, firm, or organization that believes from evidence
4 satisfactory to them that any person, firm, corporation or association
5 or agent or employee thereof has violated this section, they may bring
6 an action or special proceeding in the supreme court for a judgment
7 enjoining the continuance of such violation and for a civil penalty
8 against the respondent in an amount that does not exceed the following:

9 (a) If the defendant is a natural person, (i) five thousand dollars
10 for a first violation, and (ii) twenty-five thousand dollars for a
11 second or subsequent violation.

12 (b) If the defendant is a corporate entity, (i) fifty thousand dollars
13 for a first violation and (ii) one hundred fifty thousand dollars for a
14 second or subsequent violation.

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