

STATE OF NEW YORK

2192--A

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Housing -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law and the general business law, in relation to prohibiting landlords from reporting a late rent payment to a consumer reporting agency

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

1 Section 1. Subdivision 2 of section 238-a of the real property law, as
2 amended by chapter 789 of the laws of 2021, is amended to read as
3 follows:

4 2. (a) No landlord, lessor, sub-lessor or grantor may demand any
5 payment, fee, or charge for the late payment of rent unless the payment
6 of rent has not been made within five days of the date it was due, and
7 such payment, fee, or charge shall not exceed fifty dollars or five
8 percent of the monthly rent, whichever is less; provided a cooperative
9 housing corporation, other than a cooperative housing corporation
10 subject to the provisions of article two, article four, article five or
11 article eleven of the private housing finance law, shall be permitted to
12 charge a tenant that is a dwelling unit owner or shareholder of such
13 cooperative housing corporation a fee of up to eight percent of the
14 monthly maintenance fee for the late payment of the monthly maintenance
15 fee if the proprietary lease or occupancy agreement provides for such
16 fee.

17 (b) No lessor or agent of a lessor shall report to any consumer
18 reporting agency, as defined in section three hundred eighty-a of the
19 general business law, any late payment of rent.

20 § 2. Subparagraphs (vii) and (viii) of paragraph 1 of subdivision (f)
21 of section 380-j of the general business law, as added by chapter 867 of
22 the laws of 1977, are amended to read as follows:

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

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1 (vii) information relating to past confinement in a mental institution
2 where the date of last confinement antedates the report by more than
3 seven years; [~~or~~]
4 (viii) any late payment of rent; or
5 (ix) any other adverse information which antedates the report by more
6 than seven years.
7 § 3. This act shall take effect immediately.