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:

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

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

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

§ 2. Subparagraphs (vii) and (viii) of paragraph 1 of subdivision (f) of section 380-j of the general business law, as added by chapter 867 of 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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(vii) information relating to past confinement in a mental institution where the date of last confinement antedates the report by more than seven years; [~~or~~]

(viii) **any late payment of rent; or**

(ix) any other adverse information which antedates the report by more than seven years.

§ 3. This act shall take effect immediately.