

STATE OF NEW YORK

10727--A

IN ASSEMBLY

March 27, 2026

Introduced by M. of A. TAYLOR -- 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, in relation to enacting the "housing transparency act"

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 "housing transparency act".
- 3 § 2. Legislative findings. The legislature finds and declares that:
 - 4 1. New York state is experiencing significant housing challenges,
5 including limited housing supply, inconsistent reporting of rental unit
6 occupancy status, and a lack of access to information regarding building
7 code compliance and habitability standards;
 - 8 2. While existing state and local laws require compliance with build-
9 ing, fire, and housing codes, there is no consistent statewide mechanism
10 for reporting the occupancy or vacancy status of rental units, nor a
11 centralized system to provide public transparency regarding compliance
12 certification prior to and following tenant occupancy;
 - 13 3. The absence of consistent reporting and transparency impedes accu-
14 rate housing supply data, complicates enforcement of habitability stand-
15 ards, and limits tenants' ability to make informed decisions;
 - 16 4. The improvement of transparency in rental housing reporting, while
17 respecting local enforcement authority and protecting personal privacy,
18 serves a legitimate public purpose by enhancing housing stability,
19 promoting safe, habitable living conditions, and supporting data-in-
20 formed public policy decision making;
 - 21 5. Nothing in this act shall be construed to supersede or preempt
22 local building, fire, or housing codes, but rather to supplement exist-
23 ing enforcement mechanisms through standardized reporting and adminis-
24 trative coordination;
 - 25 6. The legislature recognizes the importance of small property owners
26 in maintaining affordable housing and intends to implement this act to
27 minimize undue administrative burden; and

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

LBD15039-05-6

1 7. Reliable and accessible housing data is necessary to ensure the
 2 integrity of rental markets, prevent prolonged vacancy of habitable
 3 units, and promote public confidence in housing administration.
 4 § 3. The real property law is amended by adding a new article 7-B to
 5 read as follows:

6 ARTICLE 7-B

7 HOUSING TRANSPARENCY ACT

8 Section 239-m. Definitions.

9 239-n. Establishment of rental unit compliance registry.

10 239-o. Pre-occupancy and turnover certification.

11 239-p. Voluntary tenant occupancy reporting.

12 239-q. Lease term election requirements.

13 239-r. Enforcement and penalties.

14 239-s. Privacy and data protection.

15 239-t. Application and report.

16 239-u. Exemption for nonprofit housing providers.

17 § 239-m. Definitions. For the purposes of this article, the following
 18 terms shall have the following meanings:

19 1. "rental unit" shall mean any dwelling unit as defined in the multi-
 20 ple dwelling law that is leased, rented, or otherwise occupied pursuant
 21 to a rental agreement for residential purposes; provided, however, that
 22 such term shall not include:

23 (a) owner-occupied buildings containing one or two dwelling units;

24 (b) dwelling units within one- or two-family homes not held for rental
 25 as a primary business purpose;

26 (c) any dwelling units subject to a cooperative or condominium form of
 27 ownership, including units sublet or leased by the owner;

28 (d) units owned or operated by a nonprofit housing provider, as
 29 defined in this article;

30 (e) units receiving federal, state, or local subsidies where occupancy
 31 is contingent upon participation in supportive services, provided,
 32 however, that this exclusion shall not apply to tenant-based rental
 33 assistance programs, including but not limited to the Section 8 Housing
 34 Choice Voucher Program;

35 (f) emergency shelters, temporary housing accommodations, or transi-
 36 tional housing placements; or

37 (g) any housing program where occupancy is conditioned upon partic-
 38 ipation in social, medical, rehabilitative, or supportive services.

39 2. "covered building" shall mean any residential building containing
 40 more than two rental units;

41 3. "owner" shall mean any person, firm, partnership, corporation,
 42 limited liability company, or other entity holding legal title to the
 43 covered building, or any agent thereof authorized to collect rent or
 44 manage the property;

45 4. "occupancy status" shall mean whether a rental unit is:

46 (a) occupied pursuant to a lease or rental agreement;

47 (b) vacant and available for rent;

48 (c) vacant and temporarily unavailable for rent due to repairs or
 49 renovations; or

50 (d) otherwise not lawfully habitable pursuant to a government order;

51 5. "pre-occupancy compliance certification" shall mean a written
 52 certification by the owner that the rental unit is in compliance with
 53 applicable state and local building, fire, and housing maintenance codes
 54 at the time of lease commencement;

1 6. "turnover certification" shall mean a written certification submit-
2 ted by the owner following the termination of a tenancy, indicating the
3 condition of the rental unit and any outstanding violations;

4 7. "division" shall mean the division of housing and community
5 renewal;

6 8. "small property owner" shall mean:

7 (a) in the upstate region, an owner of a building containing no more
8 than three rental units, including single-family rental properties, and
9 owners of one- to three-family residential properties, whether or not
10 owner occupied; and

11 (b) in the downstate region, an individual or entity owning no more
12 the ten rental units statewide, including single-family rental proper-
13 ties, and owners of one- to ten-family residential properties, whether
14 or not owner-occupied; provided, however, that such term shall not
15 include:

16 (i) any dwelling unit subject to a cooperative or condominium form of
17 ownership;

18 (ii) any entity that, directly or indirectly, through common owner-
19 ship, affiliates, or controlling interest, owns or manages more than
20 three units statewide;

21 (iii) any real estate investment trust, corporate landlord, or insti-
22 tutional investor; or

23 (iv) any nonprofit housing provider as defined in this article; and

24 9. "nonprofit housing provider" shall mean any organization exempt
25 under section 501(c)(3) of the United States internal revenue code that
26 owns or operates residential housing for the purpose of providing
27 affordable, supportive, transitional, or community-based housing;
28 provided, however, that such term shall not include any entity primarily
29 engaged in market-rate rental activity without the provision of support-
30 ive or community-based services.

31 10. "downstate region" shall mean the counties of New York, Kings,
32 Queens, Bronx, Richmond, Nassau, Westchester, Rockland, Suffolk, Dutch-
33 ess, Putnam, Sullivan and Orange county.

34 11. "upstate region" shall mean all counties of the state not included
35 in the downstate region.

36 § 239-n. Establishment of rental unit compliance registry. 1. Within
37 one year of the effective date of this article, the division shall
38 establish and maintain a statewide rental unit compliance registry for
39 covered buildings within the state.

40 2. Each owner of a covered building shall register annually with the
41 division in a manner prescribed by regulation. Such registration shall
42 include:

43 (a) the address of the covered building;

44 (b) the total number of rental units in such covered building;

45 (c) the occupancy status of each unit;

46 (d) the date of the most recent inspection conducted by a government
47 entity;

48 (e) the existence of any open housing, building, or fire violations;
49 and

50 (f) certification that each occupied rental unit complies with appli-
51 cable habitability requirements.

52 3. The division shall make registry information publicly accessible
53 through an online portal.

54 4. The division shall coordinate with local code enforcement agencies,
55 housing agencies, and existing rental housing compliance or registration
56 systems, to the extent practicable, to promote administrative efficien-

1 cy, avoid or reduce duplicative reporting requirements, and improve
2 interagency communication.

3 5. Where practicable, the division shall establish procedures for data
4 sharing, interoperability, or coordinated reporting with existing munic-
5 ipal or local housing compliance systems, including but not limited to
6 systems operated by the New York city department of housing preservation
7 and development, provided that any such coordination complies with
8 applicable privacy and data protection laws.

9 6. The division may permit owners who are subject to substantially
10 similar local registration or reporting requirements to satisfy applica-
11 ble provisions of this article through coordinated or integrated report-
12 ing mechanisms established by regulation.

13 7. The division is authorized to promulgate such rules and regulations
14 as may be necessary to implement the provisions of this article.

15 § 239-o. Pre-occupancy and turnover certification. 1. Prior to the
16 commencement of any new tenancy in a covered building, the owner shall
17 file with the division a pre-occupancy compliance certification affirm-
18 ing that:

19 (a) the rental unit is free from hazardous violations as defined by
20 applicable state or local laws;

21 (b) all smoke detection and carbon monoxide detection devices required
22 by law are installed and functioning;

23 (c) no outstanding vacate order or condemnation order applies to the
24 unit; and

25 (d) the unit is in compliance with the warranty of habitability pursu-
26 ant to section two hundred thirty-five-b of this chapter.

27 2. A copy of such certification shall be provided to the tenant at or
28 before the lease signing.

29 3. Within thirty days following the termination of a tenancy, the
30 owner shall submit to the division a turnover certification indicating:

31 (a) whether the unit is vacant and available to rent;

32 (b) whether the unit is undergoing repair or renovation; and

33 (c) the correction status of any violations issued during the prior
34 tenancy.

35 4. Nothing in this section shall require an additional governmental
36 inspection where none is otherwise required by law.

37 5. Owners shall provide tenants, at or before the lease signing, with
38 notice of registry access, occupancy reporting rights, and applicable
39 privacy protections established pursuant to this article.

40 § 239-p. Voluntary tenant occupancy reporting. 1. The division shall
41 establish a secure mechanism by which tenants of covered buildings may
42 voluntarily submit information confirming:

43 (a) occupancy of a rental unit;

44 (b) the existence of a written or oral rental agreement; and

45 (c) concerns regarding noncompliance with occupancy reporting require-
46 ments.

47 2. No owner shall take adverse action against a tenant for submitting
48 information pursuant to this section. Any such action shall constitute
49 retaliation under section two hundred twenty-three-b of this chapter.

50 3. Information submitted by tenants shall not be publicly disclosed
51 and shall be used solely for administrative verification and enforcement
52 purposes.

53 4. Submission of information by a tenant shall not constitute an
54 alteration of the terms of any lease, tenancy, or lawful occupancy
55 status.

1 5. All information submitted pursuant to this section shall be made in
2 good faith and to the best of the tenants' knowledge and belief.

3 6. The division shall not take enforcement action based solely on
4 tenant-submitted information without independent verification or corrob-
5 oration from reliable sources.

6 7. Information submitted pursuant to this section shall not constitute
7 prima facie evidence in any civil or administrative proceeding.

8 8. Any person who knowingly submits materially false information with
9 the intent to mislead the division shall be subjected to a civil penalty
10 as determined by regulation.

11 9. The division shall establish procedures to identify and disregard
12 repetitive, frivolous, or bad faith submissions.

13 § 239-q. Lease term election requirements. 1. (a) For a covered build-
14 ing, an owner shall, at the commencement of a new tenancy occurring on
15 and after the effective date of this section, offer the prospective
16 tenant the option of entering into a:

17 (i) lease term of not less than six months;

18 (ii) lease term of twelve months; or

19 (iii) lease term of twenty-four months.

20 (b) Owners qualifying as small property owners under this article
21 shall be exempt from lease term election requirements.

22 2. Nothing in this section shall prohibit an owner from establishing
23 differing rental rates for differing lease durations, provided such
24 rates comply with applicable law.

25 3. This section shall not apply to:

26 (a) small property owners;

27 (b) owner-occupied buildings containing less than three units; and

28 (c) temporary housing accommodations intended for occupancy of less
29 than six months.

30 4. Nothing in this section shall prohibit rental agreements for a term
31 of thirty days or less provided such agreements comply with all applica-
32 ble state and local laws and are not used to circumvent short-term
33 rental regulations.

34 § 239-r. Enforcement and penalties. 1. The division shall have author-
35 ity to enforce the provisions of this article and may conduct audits of
36 registry submissions to ensure compliance.

37 2. (a) An owner who fails to file required registration information or
38 certifications pursuant to this article shall be subject to a civil
39 penalty not to exceed five hundred dollars per unit per year of noncom-
40 pliance.

41 (b) An owner who knowingly submits materially false information shall
42 be subject to a civil penalty not to exceed one thousand dollars per
43 unit per violation.

44 3. Prior to the imposition of any civil penalty, the division shall
45 provide written notice of noncompliance and allow the owner thirty days
46 to cure such deficiency.

47 4. No owner of a covered building shall be eligible to implement a
48 rent increase otherwise permitted by law for any rental unit that:

49 (a) has not submitted a required pre-occupancy or annual compliance
50 certification;

51 (b) has an outstanding hazardous violation as defined by applicable
52 state and local code; or

53 (c) is not properly registered in the rental unit compliance registry
54 pursuant to this article.

1 5. The division may refer cases involving repeated or willful
2 violations to the office of the attorney general for further enforcement
3 action.

4 6. No small property owner or compliant owner who demonstrates a good
5 faith effort to comply with the provisions of this article shall be
6 subjected to civil penalties for a first-time or technical violation,
7 provided such violation is cured within the notice period established by
8 the division.

9 7. Owners demonstrating continuous compliance with the provision of
10 this article for three consecutive years may qualify for expedited
11 administrative review or other incentives established by the division
12 pursuant to regulation.

13 § 239-s. Privacy and data protection. 1. The division shall not
14 disclose personally identifiable information of tenants collected pursu-
15 ant to this article.

16 2. The division shall implement reasonable administrative, technical,
17 and physical safeguards to protect confidential information.

18 3. Information collected pursuant to this article shall be solely for
19 housing administration, compliance verification, public reporting, and
20 enforcement purposes.

21 § 239-t. Application and report. 1. Downstate region. (a) Beginning
22 two years after the effective date of this article, the provisions of
23 this article shall apply to owners of covered buildings containing twen-
24 ty or more rental units in the downstate region.

25 (b) Beginning three years after the effective date of this article,
26 the provisions of this article shall apply to owners of covered build-
27 ings containing ten or more rental units in the downstate region.

28 2. Upstate region. (a) Beginning two years after the effective date of
29 this article, the provisions of this article shall apply to owners of
30 covered buildings containing twenty or more rental units in the upstate
31 region.

32 (b) Beginning three years after the effective date of this article,
33 the provisions of this article shall apply to owners of covered build-
34 ings containing between six and nineteen rental units in the upstate
35 region.

36 3. Full Implementation. Beginning four years after the effective
37 date of this article, the provisions of this article shall apply to all
38 owners of covered buildings, except small property owners and exempt
39 nonprofit housing providers.

40 4. Beginning four years after the effective date of this article, the
41 division shall issue a report to the legislature on the implementation
42 of this article including but not limited to the compliance rate and
43 administrative impact of this article.

44 § 239-u. Exemption for nonprofit housing providers. Notwithstanding
45 any provision of this article to the contrary, the requirements of this
46 article shall not apply to rental units owned and/or operated by a
47 nonprofit housing provider, as defined in this article, where such
48 rental units are used for affordable, supportive, transitional, or
49 community-based purposes.

50 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
51 sion, section or part of this act shall be adjudged by any court of
52 competent jurisdiction to be invalid, such judgment shall not affect,
53 impair, or invalidate the remainder thereof, but shall be confined in
54 its operation to the clause, sentence, paragraph, subdivision, section
55 or part thereof directly involved in the controversy in which such judg-
56 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.
3 § 5. This act shall take effect eighteen months after it shall have
4 become a law. Effective immediately, the addition, amendment and/or
5 repeal of any rule or regulation necessary for the implementation of
6 this act on its effective date are authorized to be made and completed
7 on or before such date.