

STATE OF NEW YORK

2729

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

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

AN ACT to amend the real property law, in relation to requiring land-
lords to offer tenants the option of rent reporting

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

1 Section 1. The real property law is amended by adding a new section
2 238-b to read as follows:

3 § 238-b. Rent reporting. 1. Any landlord who offers a tenant or
4 tenants obligated on the lease of each unit the option of having such
5 tenant's rental payment information reported to at least one nationwide
6 consumer reporting agency shall first obtain the authorization of such
7 tenant or tenants. A national consumer reporting agency shall include an
8 agency that meets the definition in 15 U.S.C. Section 1681a(p) or any
9 other consumer reporting agency that meets the definition in 15 U.S.C.
10 Section 1681a(f), so long as the consumer reporting agency resells or
11 otherwise furnishes rental payment information to a nationwide consumer
12 reporting agency that meets the definition in 15 U.S.C. Section
13 1681a(p). A tenant's election to have rent reported under this subdivi-
14 sion shall be in writing, as described in subdivision three of this
15 section.

16 2. Notice of rent reporting shall be made at the time of the lease
17 agreement and at least once annually thereafter and for any renewal of
18 such lease.

19 3. The notice of rent reporting shall include a written election of
20 rent reporting that contains:

21 (a) a statement that reporting of the tenant's rental payment informa-
22 tion is optional;

23 (b) identification of each consumer reporting agency to which rental
24 payment information will be reported;

25 (c) a statement describing which rental payments will be reported, and
26 whether such payments are timely, late, or missed;

27 (d) a statement that each consumer reporting agency considers any
28 rental payment late if such payment is overdue by thirty days;

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

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1 (e) a statement that each consumer reporting agency permits the
2 reporting of payments made over the previous twenty-four-month period
3 and that the tenant may elect such option;

4 (f) the amount of any fee charged pursuant to subdivision five of this
5 section;

6 (g) a statement that the tenant may opt into rent reporting at any
7 time following the initial offer by the landlord;

8 (h) a statement that the tenant may elect to stop rent reporting at
9 any time, but that they will not be able to resume rent reporting for at
10 least six months after their election to opt out;

11 (i) instructions on how to opt out of reporting rental payment infor-
12 mation; and

13 (j) a signature block that the tenant shall date and sign in order to
14 accept the notice of rent reporting.

15 4. It is not necessary that the written election to begin rent report-
16 ing be accepted by the tenant at the time of the offer. A tenant may
17 submit their completed written election of rent reporting at any time
18 after they receive the offer of rent reporting from the landlord. A
19 tenant may request and shall obtain additional copies of the written
20 election of rent reporting form from the landlord at any time.

21 5. If a tenant elects to have that tenant's rental payments reported
22 to a consumer reporting agency under subdivision one of this section,
23 the landlord may require that tenant to pay a fee not to exceed the
24 lesser of the actual cost to the landlord to provide the service or five
25 dollars per month. The payment or nonpayment of this fee by the tenant
26 shall not be reported to a consumer reporting agency.

27 6. If a tenant fails to pay any fee required by the landlord pursuant
28 to subdivision five of this section, all of the following shall apply:

29 (a) The failure to pay the fee shall not be cause for termination of
30 the tenancy;

31 (b) The landlord shall not deduct the unpaid fee from the tenant's
32 security deposit; and

33 (c) If the fee remains unpaid for thirty days or more, the landlord
34 may stop reporting the tenant's rental payments and such tenant shall be
35 unable to elect rent reporting again for a period of six months from the
36 date on which the fee first became due.

37 7. A tenant who elects to have rent reported as described in subdivi-
38 sion one of this section may subsequently file a written request with
39 their landlord to stop that reporting with which the landlord shall
40 comply. A tenant who elects to stop reporting shall not be allowed to
41 elect rent reporting again for a period of at least six months from the
42 date of the tenant's written request to stop reporting.

43 8. A tenant who elects to have rent reported does not forfeit any
44 rights under this article. If a tenant makes deductions from rent or
45 otherwise withholds rent as authorized by those sections, the deductions
46 or withholding of rent shall not constitute a late rental payment. A
47 tenant invoking the right to repair and deduct or withhold rent under
48 those sections shall notify their landlord of the deduction or withhold-
49 ing prior to the date rent is due. This subdivision shall not be
50 construed to relieve a landlord of the obligation to maintain habitable
51 premises pursuant to section two hundred thirty-five-b of this article.

52 § 2. This act shall take effect on the sixtieth day after it shall
53 have become a law.