STATE OF NEW YORK

2729--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 22, 2025

Introduced by M. of A. ROSENTHAL, TORRES, SIMON -- read once and referred to the Committee on Housing -- recommitted to the Committee on Housing in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to requirements when landlords offer tenants the option of rent reporting

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

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

§ 238-b. Rent reporting. 1. For purposes of this section, "nationwide consumer reporting agency" shall include an agency that meets the definition in 15 U.S.C. Section 1681a(p) or any other consumer reporting agency that meets the definition in 15 U.S.C. Section 1681a(f), so long as the consumer reporting agency resells or otherwise furnishes rental payment information to a nationwide consumer reporting agency that meets the definition in U.S.C. Section 1681a(p).

2. (a) A landlord, lessor, sub-lessor or grantor of a residential property shall be prohibited from reporting a residential tenant's rental payment information to a nationwide consumer reporting agency unless notice of the reporting was provided for in the lease or contract between the landlord, lessor, sub-lessor or grantor and the tenant.

(b) Such notice shall be substantially similar to the following: "We may report information about your account to credit bureaus. Late payments, missed payments, or other defaults on your account may be reflected in your credit report."

(c) A landlord, lessor, sub-lessor or grantor of a residential property who furnishes negative information to a nationwide consumer reporting agency regarding a residential tenant's rental payments shall provide a notice of such furnishing of negative information, in writing, to the

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

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tenant. Such notice shall be made no later than thirty days after furnishing the negative information to the nationwide consumer reporting agency and shall include a summary of the tenant's rights under the federal Fair Credit Reporting Act (15 U.S.C. Sect. 1681 et seq.) and article twenty-five of the general business law, including the right to access and dispute the contents of a consumer report.

3. (a) Any landlord, lessor, sub-lessor or grantor of a residential property who offers a residential tenant or tenants obligated on the lease of each unit the option of having such tenant's positive rental payment information reported to at least one nationwide consumer reporting agency shall first obtain the authorization of such tenant or tenants. A tenant's election to have positive rental payment information reported under this subdivision shall be in writing, as described in paragraph (c) of this subdivision.

(b) Notice of the option for positive rental payment information reporting shall be made at the time of the lease agreement and at least once annually thereafter and for any renewal of such lease.

(c) The notice of positive rental payment information reporting shall include a written election of rent reporting that contains:

(i) a statement that reporting of the tenant's positive rental payment information is optional;

(ii) identification of each consumer reporting agency to which positive rental payment information will be reported;

(iii) a statement describing which positive rental payment information will be reported;

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

(v) the amount of any fee charged pursuant to paragraph (e) of this subdivision;

(vi) a statement that the tenant may opt into positive rental payment information reporting at any time following the initial offer by the landlord;

(vii) a statement that the tenant may elect to stop positive rental payment information reporting at any time, but that they will not be able to resume such reporting for at least six months after their election to opt out;

(viii) instructions on how to opt out of reporting positive rental payment information; and

(ix) a signature block that the tenant shall date and sign in order to accept the notice of positive rental payment information reporting.

(d) It is not necessary that the written election to begin positive rental payment information reporting be accepted by the tenant at the time of the offer. A tenant may submit their completed written election of positive rental payment information reporting at any time after they receive the offer of such reporting from the landlord. A tenant may request and shall obtain additional copies of the written election of positive rental payment information reporting form from the landlord at any time.

(e) If a tenant elects to have that tenant's positive rental payment information reported to a consumer reporting agency under paragraph (a) of this subdivision, the landlord may require that tenant to pay a fee not to exceed the lesser of the actual cost to the landlord to provide the service or five dollars per month. The payment or nonpayment of this fee by the tenant shall not be reported to a consumer reporting agency.

(f) If a tenant fails to pay any fee required by the landlord pursuant to paragraph (e) of this subdivision, all of the following shall apply:

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

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

(iii) If the fee remains unpaid for thirty days or more, the landlord may stop reporting the tenant's positive rental payment information and such tenant shall be unable to elect positive rental payment information reporting again for a period of six months from the date on which the fee first became due.

(g) A tenant who elects to have positive rental payment information reported as described in paragraph (a) of this subdivision may subsequently file a written request with their landlord to stop that reporting with which the landlord shall comply. A tenant who elects to stop reporting shall not be allowed to elect positive rental payment information reporting again for a period of at least six months from the date of the tenant's written request to stop reporting.

4. A residential tenant who elects to have positive rental payment information reported pursuant to subdivision three of this section does not forfeit any rights under this article. If a residential tenant makes deductions from rent or otherwise withholds rent as authorized by this article, the deductions or withholding of rent shall not constitute a late rental payment eligible for reporting to a nationwide consumer reporting agency provided the residential tenant invoking the right to repair and deduct or withhold rent under this article shall notify their landlord of the deduction or withholding prior to the date rent is due. This subdivision shall not be construed to relieve a landlord of the obligation to maintain habitable premises pursuant to section two hundred thirty-five-b of this article.

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