

# 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:

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. For purposes of this section, "nationwide  
4 consumer reporting agency" shall include an agency that meets the defi-  
5 inition in 15 U.S.C. Section 1681a(p) or any other consumer reporting  
6 agency that meets the definition in 15 U.S.C. Section 1681a(f), so long  
7 as the consumer reporting agency resells or otherwise furnishes rental  
8 payment information to a nationwide consumer reporting agency that meets  
9 the definition in U.S.C. Section 1681a(p).

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

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

19 (c) A landlord, lessor, sub-lessor or grantor of a residential proper-  
20 ty who furnishes negative information to a nationwide consumer reporting  
21 agency regarding a residential tenant's rental payments shall provide a  
22 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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1 tenant. Such notice shall be made no later than thirty days after  
2 furnishing the negative information to the nationwide consumer reporting  
3 agency and shall include a summary of the tenant's rights under the  
4 federal Fair Credit Reporting Act (15 U.S.C. Sect. 1681 et seq.) and  
5 article twenty-five of the general business law, including the right to  
6 access and dispute the contents of a consumer report.

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

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

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

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

22 (ii) identification of each consumer reporting agency to which posi-  
23 tive rental payment information will be reported;

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (g) A tenant who elects to have positive rental payment information  
13 reported as described in paragraph (a) of this subdivision may subse-  
14 quently file a written request with their landlord to stop that report-  
15 ing with which the landlord shall comply. A tenant who elects to stop  
16 reporting shall not be allowed to elect positive rental payment informa-  
17 tion reporting again for a period of at least six months from the date  
18 of the tenant's written request to stop reporting.

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

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