

STATE OF NEW YORK

9294--A

2025-2026 Regular Sessions

IN ASSEMBLY

December 10, 2025

Introduced by M. of A. TAPIA -- 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 the disclosure of tenant screening criteria

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. Disclosure of tenant screening criteria. 1. For the purposes
4 of this section:

5 (a) "Tenant screening criteria" shall mean the complete list of objec-
6 tive and subjective factors a landlord uses to evaluate rental applica-
7 tions. This includes, but is not limited to, financial history, credit
8 score thresholds, income requirements, criminal background, references,
9 and completeness or accuracy of the application.

10 (b) "Landlord" shall mean any owner, lessor, sublessor, assignor, or
11 managing agent of, or any other person having the right to rent or lease
12 a housing accommodation, or any agent or employee thereof.

13 2. (a) Prior to accepting any payment, fee or charge for the process-
14 ing, review or acceptance of an application pursuant to subdivision one
15 of section two hundred thirty-eight-a of this article or screening
16 information from a prospective tenant, a landlord shall provide to the
17 applicant a clear and conspicuous written disclosure of the tenant
18 screening criteria used to evaluate rental applications. Such disclosure
19 shall include:

20 (i) a detailed list of the screening criteria, which may include but
21 is not limited to:

22 (A) credit history and minimum credit score thresholds, if any;

23 (B) criminal history policies;

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

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1 (C) prior rental history, to the extent permitted under section two
2 hundred twenty-seven-f of this article;

3 (D) minimum income requirements, to the extent permitted under section
4 two hundred ninety-six of the executive law;

5 (E) reference requirements; and/or

6 (F) any policy regarding incomplete or inaccurate application
7 submissions;

8 (ii) whether the landlord will obtain a tenant screening report from a
9 consumer reporting agency, and if so, the name and contact information
10 of such agency; and

11 (iii) a written summary of the applicant's rights under the federal
12 Fair Credit Reporting Act (15 U.S.C. Sect. 1681 et seq.) and article
13 twenty-five of the general business law with respect to consumer
14 reports, including the right to access and dispute the contents of such
15 reports.

16 (b) A landlord shall not accept any payment, fee or charge for the
17 processing, review or acceptance of an application pursuant to subdivi-
18 sion one of section two hundred thirty-eight-a of this article or
19 commence any evaluation of an application until the disclosure required
20 by this subdivision has been provided.

21 3. (a) The tenant screening disclosure may be included in or adjacent
22 to the rental application form, provided it is clearly labeled and
23 presented in bold, underlined, or otherwise conspicuous print.

24 (b) The applicant shall sign an acknowledgment indicating that the
25 disclosure was made available to them prior to submitting any applica-
26 tion materials or fees. Such acknowledgment shall include the following
27 or a substantively equivalent statement:

28 "By signing below, you acknowledge that you have been provided with,
29 and had the opportunity to review, the landlord's tenant screening
30 criteria. The tenant screening criteria may include factors such as
31 credit history, criminal background, rental history, income verifica-
32 tion, and the completeness or accuracy of information provided. If you
33 do not meet these criteria, your application may be denied and your
34 application fee will not be refunded."

35 (c) If the acknowledgment is not signed, there shall be a rebuttable
36 presumption that the required disclosure was not provided.

37 4. (a) If a landlord rejects an applicant without having provided the
38 disclosure required under subdivision two of this section, such landlord
39 shall refund the full amount of any payment, fee or charge for the proc-
40 essing, review or acceptance of an application pursuant to subdivision
41 one of section two hundred thirty-eight-a of this article.

42 (b) Upon written request by an applicant, the landlord shall mail or
43 otherwise deliver the refund to the address provided by the applicant
44 within fourteen days of such request.

45 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
46 sion, section or part of this act shall be adjudged by any court of
47 competent jurisdiction to be invalid, such judgment shall not affect,
48 impair, or invalidate the remainder thereof, but shall be confined in
49 its operation to the clause, sentence, paragraph, subdivision, section
50 or part thereof directly involved in the controversy in which such judg-
51 ment shall have been rendered. It is hereby declared to be the intent of
52 the legislature that this act would have been enacted even if such
53 invalid provisions had not been included herein.

54 § 3. This act shall take effect on the one hundred twentieth day after
55 it shall have become a law.