

STATE OF NEW YORK

10343

IN SENATE

May 14, 2026

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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;

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

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

28 (E) reference requirements; and/or

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

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1 (F) any policy regarding incomplete or inaccurate application
2 submissions;

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

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

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

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

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

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

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

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

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

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

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