STATE OF NEW YORK

10477

IN SENATE

May 15, 2026

Introduced by Sen. CLEARE -- 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 requiring landlords to 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. Any landlord who offers a tenant or tenants obligated on the lease of each unit the option of having such tenant's rental payment information reported to at least one nationwide consumer reporting agency shall first obtain the authorization of such tenant or tenants. A national 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 15 U.S.C. Section 1681a(p). A tenant's election to have rent reported under this subdivision shall be in writing, as described in subdivision three of this section.

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

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

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

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

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

(d) a statement that each consumer reporting agency considers any 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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(e) 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;

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

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

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

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

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

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

5. If a tenant elects to have that tenant's rental payments reported to a consumer reporting agency under subdivision one of this section, 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.

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

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

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

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

7. A tenant who elects to have rent reported as described in subdivision one of this section 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 rent reporting again for a period of at least six months from the date of the tenant's written request to stop reporting.

8. A tenant who elects to have rent reported does not forfeit any rights under this article. If a tenant makes deductions from rent or otherwise withholds rent as authorized by those sections, the deductions or withholding of rent shall not constitute a late rental payment. A tenant invoking the right to repair and deduct or withhold rent under those sections 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.