STATE OF NEW YORK

10478

IN SENATE

May 15, 2026

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development

AN ACT to amend the public housing law and the real property law, in relation to including positive rent reporting in the New York state low income housing tax credit program and requiring landlords to offer tenants the option of positive rental payment information reporting

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

Section 1. Subdivision 1 of section 25 of the public housing law, as added by section 1 of part CC of chapter 63 of the laws of 2000, is amended to read as follows:

1. The commissioner shall promulgate rules and regulations necessary to administer the provisions of this act. **To the extent that such rules and regulations establish project scoring and ranking criteria, such scoring and ranking criteria shall include the use of positive rental payment information reporting, in accordance with section two hundred thirty-eight-b of the real property law, as a preference under community impact/revitalization in the evaluation of project applications.**

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

§ 238-b. Positive rental payment information reporting. 1. Any landlord that receives a low income housing tax credit for one or more low-income buildings pursuant to article two-a of the public housing law and offers a 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 the 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

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

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have positive rental payment information reported under this subdivision shall be in writing, as described in subdivision three of this section.

2. Notice of 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.

3. The notice of positive rental payment information reporting shall include a written election of such reporting that contains:

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

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

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

(d) 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;

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

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

(g) 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;

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

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

4. 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.

5. If a tenant elects to have such tenant's positive rental payment information 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 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.

7. A tenant who elects to have positive rental payment information reported as described in subdivision one of this section may subsequent-

ly 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 such reporting.

8. A tenant who elects to have positive rental payment information 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.

9. (a) For the purposes of this section, the term "positive rental payment information" shall mean information regarding a tenant's complete, timely payments of rent.

(b) The term "positive rental payment information" shall not include an instance in which a tenant did not completely or timely make a rental payment.

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