

STATE OF NEW YORK

9346--A

IN SENATE

March 3, 2026

Introduced by Sens. PARKER, JACKSON, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Housing, Construction and Community Development -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to enacting the "housing transparency act"

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

- 1 Section 1. Short title. This act shall be known and may be cited as
2 the "housing transparency act".
- 3 § 2. Legislative findings. The legislature finds and declares that:
- 4 1. New York state is experiencing significant housing challenges,
5 including limited housing supply, inconsistent reporting of rental unit
6 occupancy status, and a lack of access to information regarding building
7 code compliance and habitability standards;
- 8 2. While existing state and local laws require compliance with build-
9 ing, fire, and housing codes, there is no consistent statewide mechanism
10 for reporting the occupancy or vacancy status of rental units, nor a
11 centralized system to provide public transparency regarding compliance
12 certification prior to and following tenant occupancy;
- 13 3. The absence of consistent reporting and transparency impedes accu-
14 rate housing supply data, complicates enforcement of habitability stand-
15 ards, and limits tenants' ability to make informed decisions;
- 16 4. The improvement of transparency in rental housing reporting, while
17 respecting local enforcement authority and protecting personal privacy,
18 serves a legitimate public purpose by enhancing housing stability,
19 promoting safe, habitable living conditions, and supporting data-in-
20 formed public policy decision making;
- 21 5. Nothing in this act shall be construed to supersede or preempt
22 local building, fire, or housing codes, but rather to supplement exist-
23 ing enforcement mechanisms through standardized reporting and adminis-
24 trative coordination;

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

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6. The legislature recognizes the importance of small property owners in maintaining affordable housing and intends to implement this act to minimize undue administrative burden; and

7. Reliable and accessible housing data is necessary to ensure the integrity of rental markets, prevent prolonged vacancy of habitable units, and promote public confidence in housing administration.

§ 3. The real property law is amended by adding a new article 7-B to read as follows:

ARTICLE 7-B

HOUSING TRANSPARENCY ACT

Section 239-m. Definitions.

239-n. Establishment of rental unit compliance registry.

239-o. Pre-occupancy and turnover certification.

239-p. Voluntary tenant occupancy reporting.

239-q. Lease term election requirements.

239-r. Enforcement and penalties.

239-s. Privacy and data protection.

239-t. Application and report.

239-u. Exemption for nonprofit housing providers.

§ 239-m. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "rental unit" shall mean any dwelling unit as defined in the multiple dwelling law that is leased, rented, or otherwise occupied pursuant to a rental agreement for residential purposes; provided, however, that such term shall not include:

- (a) owner-occupied buildings containing one or two dwelling units;
- (b) dwelling units within one- or two-family homes not held for rental as a primary business purpose;
- (c) any dwelling units subject to a cooperative or condominium form of ownership, including units sublet or leased by the owner;
- (d) units owned or operated by a nonprofit housing provider, as defined in this article;
- (e) units receiving federal, state, or local subsidies where occupancy is contingent upon participation in supportive services, provided, however, that this exclusion shall not apply to tenant-based rental assistance programs, including but not limited to the Section 8 Housing Choice Voucher Program;
- (f) emergency shelters, temporary housing accommodations, or transitional housing placements; or
- (g) any housing program where occupancy is conditioned upon participation in social, medical, rehabilitative, or supportive services.

2. "covered building" shall mean any residential building containing more than two rental units;

3. "owner" shall mean any person, firm, partnership, corporation, limited liability company, or other entity holding legal title to the covered building, or any agent thereof authorized to collect rent or manage the property;

4. "occupancy status" shall mean whether a rental unit is:

- (a) occupied pursuant to a lease or rental agreement;
- (b) vacant and available for rent;
- (c) vacant and temporarily unavailable for rent due to repairs or renovations; or
- (d) otherwise not lawfully habitable pursuant to a government order;

5. "pre-occupancy compliance certification" shall mean a written certification by the owner that the rental unit is in compliance with

1 applicable state and local building, fire, and housing maintenance codes
2 at the time of lease commencement;

3 6. "turnover certification" shall mean a written certification submit-
4 ted by the owner following the termination of a tenancy, indicating the
5 condition of the rental unit and any outstanding violations;

6 7. "division" shall mean the division of housing and community
7 renewal;

8 8. "small property owner" shall mean:

9 (a) in the upstate region, an owner of a building containing no more
10 than three rental units, including single-family rental properties, and
11 owners of one- to three-family residential properties, whether or not
12 owner occupied; and

13 (b) in the downstate region, an individual or entity owning no more
14 the ten rental units statewide, including single-family rental proper-
15 ties, and owners of one- to ten-family residential properties, whether
16 or not owner-occupied; provided, however, that such term shall not
17 include:

18 (i) any dwelling unit subject to a cooperative or condominium form of
19 ownership;

20 (ii) any entity that, directly or indirectly, through common owner-
21 ship, affiliates, or controlling interest, owns or manages more than
22 three units statewide;

23 (iii) any real estate investment trust, corporate landlord, or insti-
24 tutional investor; or

25 (iv) any nonprofit housing provider as defined in this article; and

26 9. "nonprofit housing provider" shall mean any organization exempt
27 under section 501(c)(3) of the United States internal revenue code that
28 owns or operates residential housing for the purpose of providing
29 affordable, supportive, transitional, or community-based housing;
30 provided, however, that such term shall not include any entity primarily
31 engaged in market-rate rental activity without the provision of support-
32 ive or community-based services.

33 10. "downstate region" shall mean the counties of New York, Kings,
34 Queens, Bronx, Richmond, Nassau, Westchester, Rockland, Suffolk, Dutch-
35 ess, Putnam, Sullivan and Orange county.

36 11. "upstate region" shall mean all counties of the state not included
37 in the downstate region.

38 § 239-n. Establishment of rental unit compliance registry. 1. Within
39 one year of the effective date of this article, the division shall
40 establish and maintain a statewide rental unit compliance registry for
41 covered buildings within the state.

42 2. Each owner of a covered building shall register annually with the
43 division in a manner prescribed by regulation. Such registration shall
44 include:

45 (a) the address of the covered building;

46 (b) the total number of rental units in such covered building;

47 (c) the occupancy status of each unit;

48 (d) the date of the most recent inspection conducted by a government
49 entity;

50 (e) the existence of any open housing, building, or fire violations;
51 and

52 (f) certification that each occupied rental unit complies with appli-
53 cable habitability requirements.

54 3. The division shall make registry information publicly accessible
55 through an online portal.

1 4. The division shall coordinate with local code enforcement agencies,
2 housing agencies, and existing rental housing compliance or registration
3 systems, to the extent practicable, to promote administrative efficien-
4 cy, avoid or reduce duplicative reporting requirements, and improve
5 interagency communication.

6 5. Where practicable, the division shall establish procedures for data
7 sharing, interoperability, or coordinated reporting with existing munic-
8 ipal or local housing compliance systems, including but not limited to
9 systems operated by the New York city department of housing preservation
10 and development, provided that any such coordination complies with
11 applicable privacy and data protection laws.

12 6. The division may permit owners who are subject to substantially
13 similar local registration or reporting requirements to satisfy applica-
14 ble provisions of this article through coordinated or integrated report-
15 ing mechanisms established by regulation.

16 7. The division is authorized to promulgate such rules and regulations
17 as may be necessary to implement the provisions of this article.

18 § 239-o. Pre-occupancy and turnover certification. 1. Prior to the
19 commencement of any new tenancy in a covered building, the owner shall
20 file with the division a pre-occupancy compliance certification affirm-
21 ing that:

22 (a) the rental unit is free from hazardous violations as defined by
23 applicable state or local laws;

24 (b) all smoke detection and carbon monoxide detection devices required
25 by law are installed and functioning;

26 (c) no outstanding vacate order or condemnation order applies to the
27 unit; and

28 (d) the unit is in compliance with the warranty of habitability pursu-
29 ant to section two hundred thirty-five-b of this chapter.

30 2. A copy of such certification shall be provided to the tenant at or
31 before the lease signing.

32 3. Within thirty days following the termination of a tenancy, the
33 owner shall submit to the division a turnover certification indicating:

34 (a) whether the unit is vacant and available to rent;

35 (b) whether the unit is undergoing repair or renovation; and

36 (c) the correction status of any violations issued during the prior
37 tenancy.

38 4. Nothing in this section shall require an additional governmental
39 inspection where none is otherwise required by law.

40 5. Owners shall provide tenants, at or before the lease signing, with
41 notice of registry access, occupancy reporting rights, and applicable
42 privacy protections established pursuant to this article.

43 § 239-p. Voluntary tenant occupancy reporting. 1. The division shall
44 establish a secure mechanism by which tenants of covered buildings may
45 voluntarily submit information confirming:

46 (a) occupancy of a rental unit;

47 (b) the existence of a written or oral rental agreement; and

48 (c) concerns regarding noncompliance with occupancy reporting require-
49 ments.

50 2. No owner shall take adverse action against a tenant for submitting
51 information pursuant to this section. Any such action shall constitute
52 retaliation under section two hundred twenty-three-b of this chapter.

53 3. Information submitted by tenants shall not be publicly disclosed
54 and shall be used solely for administrative verification and enforcement
55 purposes.

1 4. Submission of information by a tenant shall not constitute an
2 alteration of the terms of any lease, tenancy, or lawful occupancy
3 status.

4 5. All information submitted pursuant to this section shall be made in
5 good faith and to the best of the tenants' knowledge and belief.

6 6. The division shall not take enforcement action based solely on
7 tenant-submitted information without independent verification or corrob-
8 oration from reliable sources.

9 7. Information submitted pursuant to this section shall not constitute
10 prima facie evidence in any civil or administrative proceeding.

11 8. Any person who knowingly submits materially false information with
12 the intent to mislead the division shall be subjected to a civil penalty
13 as determined by regulation.

14 9. The division shall establish procedures to identify and disregard
15 repetitive, frivolous, or bad faith submissions.

16 § 239-q. Lease term election requirements. 1. (a) For a covered build-
17 ing, an owner shall, at the commencement of a new tenancy occurring on
18 and after the effective date of this section, offer the prospective
19 tenant the option of entering into a:

20 (i) lease term of not less than six months;

21 (ii) lease term of twelve months; or

22 (iii) lease term of twenty-four months.

23 (b) Owners qualifying as small property owners under this article
24 shall be exempt from lease term election requirements.

25 2. Nothing in this section shall prohibit an owner from establishing
26 differing rental rates for differing lease durations, provided such
27 rates comply with applicable law.

28 3. This section shall not apply to:

29 (a) small property owners;

30 (b) owner-occupied buildings containing less than three units; and

31 (c) temporary housing accommodations intended for occupancy of less
32 than six months.

33 4. Nothing in this section shall prohibit rental agreements for a term
34 of thirty days or less provided such agreements comply with all applica-
35 ble state and local laws and are not used to circumvent short-term
36 rental regulations.

37 § 239-r. Enforcement and penalties. 1. The division shall have author-
38 ity to enforce the provisions of this article and may conduct audits of
39 registry submissions to ensure compliance.

40 2. (a) An owner who fails to file required registration information or
41 certifications pursuant to this article shall be subject to a civil
42 penalty not to exceed five hundred dollars per unit per year of noncom-
43 pliance.

44 (b) An owner who knowingly submits materially false information shall
45 be subject to a civil penalty not to exceed one thousand dollars per
46 unit per violation.

47 3. Prior to the imposition of any civil penalty, the division shall
48 provide written notice of noncompliance and allow the owner thirty days
49 to cure such deficiency.

50 4. No owner of a covered building shall be eligible to implement a
51 rent increase otherwise permitted by law for any rental unit that:

52 (a) has not submitted a required pre-occupancy or annual compliance
53 certification;

54 (b) has an outstanding hazardous violation as defined by applicable
55 state and local code; or

1 (c) is not properly registered in the rental unit compliance registry
2 pursuant to this article.

3 5. The division may refer cases involving repeated or willful
4 violations to the office of the attorney general for further enforcement
5 action.

6 6. No small property owner or compliant owner who demonstrates a good
7 faith effort to comply with the provisions of this article shall be
8 subjected to civil penalties for a first-time or technical violation,
9 provided such violation is cured within the notice period established by
10 the division.

11 7. Owners demonstrating continuous compliance with the provision of
12 this article for three consecutive years may qualify for expedited
13 administrative review or other incentives established by the division
14 pursuant to regulation.

15 § 239-s. Privacy and data protection. 1. The division shall not
16 disclose personally identifiable information of tenants collected pursu-
17 ant to this article.

18 2. The division shall implement reasonable administrative, technical,
19 and physical safeguards to protect confidential information.

20 3. Information collected pursuant to this article shall be solely for
21 housing administration, compliance verification, public reporting, and
22 enforcement purposes.

23 § 239-t. Application and report. 1. Downstate region. (a) Beginning
24 two years after the effective date of this article, the provisions of
25 this article shall apply to owners of covered buildings containing twen-
26 ty or more rental units in the downstate region.

27 (b) Beginning three years after the effective date of this article,
28 the provisions of this article shall apply to owners of covered build-
29 ings containing ten or more rental units in the downstate region.

30 2. Upstate region. (a) Beginning two years after the effective date of
31 this article, the provisions of this article shall apply to owners of
32 covered buildings containing twenty or more rental units in the upstate
33 region.

34 (b) Beginning three years after the effective date of this article,
35 the provisions of this article shall apply to owners of covered build-
36 ings containing between six and nineteen rental units in the upstate
37 region.

38 3. Full Implementation. Beginning four years after the effective
39 date of this article, the provisions of this article shall apply to all
40 owners of covered buildings, except small property owners and exempt
41 nonprofit housing providers.

42 4. Beginning four years after the effective date of this article, the
43 division shall issue a report to the legislature on the implementation
44 of this article including but not limited to the compliance rate and
45 administrative impact of this article.

46 § 239-u. Exemption for nonprofit housing providers. Notwithstanding
47 any provision of this article to the contrary, the requirements of this
48 article shall not apply to rental units owned and/or operated by a
49 nonprofit housing provider, as defined in this article, where such
50 rental units are used for affordable, supportive, transitional, or
51 community-based purposes.

52 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-
53 sion, section or part of this act shall be adjudged by any court of
54 competent jurisdiction to be invalid, such judgment shall not affect,
55 impair, or invalidate the remainder thereof, but shall be confined in
56 its operation to the clause, sentence, paragraph, subdivision, section

1 or part thereof directly involved in the controversy in which such judg-
2 ment shall have been rendered. It is hereby declared to be the intent of
3 the legislature that this act would have been enacted even if such
4 invalid provisions had not been included herein.

5 § 5. This act shall take effect eighteen months after it shall have
6 become a law. Effective immediately, the addition, amendment and/or
7 repeal of any rule or regulation necessary for the implementation of
8 this act on its effective date are authorized to be made and completed
9 on or before such date.