

# STATE OF NEW YORK

10727--A

## IN ASSEMBLY

March 27, 2026

Introduced by M. of A. TAYLOR -- read once and referred to the Committee on Housing -- 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;
  - 25 6. The legislature recognizes the importance of small property owners  
26 in maintaining affordable housing and intends to implement this act to  
27 minimize undue administrative burden; and

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

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1 7. Reliable and accessible housing data is necessary to ensure the  
 2 integrity of rental markets, prevent prolonged vacancy of habitable  
 3 units, and promote public confidence in housing administration.  
 4 § 3. The real property law is amended by adding a new article 7-B to  
 5 read as follows:

6 ARTICLE 7-B

7 HOUSING TRANSPARENCY ACT

8 Section 239-m. Definitions.

9 239-n. Establishment of rental unit compliance registry.

10 239-o. Pre-occupancy and turnover certification.

11 239-p. Voluntary tenant occupancy reporting.

12 239-q. Lease term election requirements.

13 239-r. Enforcement and penalties.

14 239-s. Privacy and data protection.

15 239-t. Application and report.

16 239-u. Exemption for nonprofit housing providers.

17 § 239-m. Definitions. For the purposes of this article, the following  
 18 terms shall have the following meanings:

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

23 (a) owner-occupied buildings containing one or two dwelling units;

24 (b) dwelling units within one- or two-family homes not held for rental  
 25 as a primary business purpose;

26 (c) any dwelling units subject to a cooperative or condominium form of  
 27 ownership, including units sublet or leased by the owner;

28 (d) units owned or operated by a nonprofit housing provider, as  
 29 defined in this article;

30 (e) units receiving federal, state, or local subsidies where occupancy  
 31 is contingent upon participation in supportive services, provided,  
 32 however, that this exclusion shall not apply to tenant-based rental  
 33 assistance programs, including but not limited to the Section 8 Housing  
 34 Choice Voucher Program;

35 (f) emergency shelters, temporary housing accommodations, or transi-  
 36 tional housing placements; or

37 (g) any housing program where occupancy is conditioned upon partic-  
 38 ipation in social, medical, rehabilitative, or supportive services.

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

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

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

46 (a) occupied pursuant to a lease or rental agreement;

47 (b) vacant and available for rent;

48 (c) vacant and temporarily unavailable for rent due to repairs or  
 49 renovations; or

50 (d) otherwise not lawfully habitable pursuant to a government order;

51 5. "pre-occupancy compliance certification" shall mean a written  
 52 certification by the owner that the rental unit is in compliance with  
 53 applicable state and local building, fire, and housing maintenance codes  
 54 at the time of lease commencement;

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

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

6 8. "small property owner" shall mean:

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

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

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

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

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

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

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

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

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

36 § 239-n. Establishment of rental unit compliance registry. 1. Within  
37 one year of the effective date of this article, the division shall  
38 establish and maintain a statewide rental unit compliance registry for  
39 covered buildings within the state.

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

43 (a) the address of the covered building;

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

45 (c) the occupancy status of each unit;

46 (d) the date of the most recent inspection conducted by a government  
47 entity;

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

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

52 3. The division shall make registry information publicly accessible  
53 through an online portal.

54 4. The division shall coordinate with local code enforcement agencies,  
55 housing agencies, and existing rental housing compliance or registration  
56 systems, to the extent practicable, to promote administrative efficien-

1 cy, avoid or reduce duplicative reporting requirements, and improve  
2 interagency communication.

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

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

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

15 § 239-o. Pre-occupancy and turnover certification. 1. Prior to the  
16 commencement of any new tenancy in a covered building, the owner shall  
17 file with the division a pre-occupancy compliance certification affirm-  
18 ing that:

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

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

23 (c) no outstanding vacate order or condemnation order applies to the  
24 unit; and

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

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

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

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

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

33 (c) the correction status of any violations issued during the prior  
34 tenancy.

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

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

40 § 239-p. Voluntary tenant occupancy reporting. 1. The division shall  
41 establish a secure mechanism by which tenants of covered buildings may  
42 voluntarily submit information confirming:

43 (a) occupancy of a rental unit;

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

45 (c) concerns regarding noncompliance with occupancy reporting require-  
46 ments.

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

50 3. Information submitted by tenants shall not be publicly disclosed  
51 and shall be used solely for administrative verification and enforcement  
52 purposes.

53 4. Submission of information by a tenant shall not constitute an  
54 alteration of the terms of any lease, tenancy, or lawful occupancy  
55 status.

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

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

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

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

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

13 § 239-q. Lease term election requirements. 1. (a) For a covered build-  
14 ing, an owner shall, at the commencement of a new tenancy occurring on  
15 and after the effective date of this section, offer the prospective  
16 tenant the option of entering into a:

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

18 (ii) lease term of twelve months; or

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

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

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

25 3. This section shall not apply to:

26 (a) small property owners;

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

28 (c) temporary housing accommodations intended for occupancy of less  
29 than six months.

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

34 § 239-r. Enforcement and penalties. 1. The division shall have author-  
35 ity to enforce the provisions of this article and may conduct audits of  
36 registry submissions to ensure compliance.

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

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

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

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

49 (a) has not submitted a required pre-occupancy or annual compliance  
50 certification;

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

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

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

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

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

13 § 239-s. Privacy and data protection. 1. The division shall not  
14 disclose personally identifiable information of tenants collected pursu-  
15 ant to this article.

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

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

21 § 239-t. Application and report. 1. Downstate region. (a) Beginning  
22 two years after the effective date of this article, the provisions of  
23 this article shall apply to owners of covered buildings containing twen-  
24 ty or more rental units in the downstate region.

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

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

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

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

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

44 § 239-u. Exemption for nonprofit housing providers. Notwithstanding  
45 any provision of this article to the contrary, the requirements of this  
46 article shall not apply to rental units owned and/or operated by a  
47 nonprofit housing provider, as defined in this article, where such  
48 rental units are used for affordable, supportive, transitional, or  
49 community-based purposes.

50 § 4. Severability clause. If any clause, sentence, paragraph, subdivi-  
51 sion, section or part of this act shall be adjudged by any court of  
52 competent jurisdiction to be invalid, such judgment shall not affect,  
53 impair, or invalidate the remainder thereof, but shall be confined in  
54 its operation to the clause, sentence, paragraph, subdivision, section  
55 or part thereof directly involved in the controversy in which such judg-  
56 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such  
2 invalid provisions had not been included herein.  
3 § 5. This act shall take effect eighteen months after it shall have  
4 become a law. Effective immediately, the addition, amendment and/or  
5 repeal of any rule or regulation necessary for the implementation of  
6 this act on its effective date are authorized to be made and completed  
7 on or before such date.