

# STATE OF NEW YORK

3125--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 23, 2025

Introduced by M. of A. ROSENTHAL, GLICK, LEVENBERG, SHIMSKY, SIMON, BURDICK, JACKSON, LUCAS -- read once and referred to the Committee on Housing -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommit-  
ted to said committee

AN ACT to amend the real property law, in relation to the use of auto-  
mated housing decision making tools to make housing decisions

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

1 Section 1. The real property law is amended by adding a new section  
2 227-g to read as follows:

3 § 227-g. Use of automated housing decision making tools. 1. For the  
4 purposes of this section, the following terms shall have the following  
5 meanings:

6 (a) "Automated housing decision making tool" means any software that  
7 uses algorithms, computational models, or artificial intelligence tech-  
8 niques, or a combination thereof, to materially automate, substantially  
9 assist, or replace human decision-making regarding housing decisions  
10 that impact natural persons. "Automated housing decision making tool"  
11 does not include a tool that does not automate, support, substantially  
12 assist, or replace discretionary decision-making processes and that does  
13 not materially impact natural persons, including, but not limited to, a  
14 junk email filter, firewall, antivirus software, calculator, spread-  
15 sheet, database, data set, or other compilation of data.

16 (b) "Disparate impact analysis" means an impartial evaluation  
17 conducted by an independent auditor. Such disparate impact analysis  
18 shall include, but not be limited to, testing of the extent to which use  
19 of an automated housing decision making tool is likely to result in an  
20 adverse impact to the detriment of any group on the basis of sex, race,  
21 ethnicity, or other protected class under this article. A disparate

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

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1 impact analysis shall differentiate between applicants who were selected  
2 and applicants who were not selected by the tool.

3 (c) "Housing decision" means to screen applicants for housing.

4 2. It shall be unlawful for a landlord to implement or use an auto-  
5 mated housing decision making tool, including the use of an automated  
6 housing decision making tool that issues a score, classification, or  
7 recommendation, that fails to comply with the following provisions:

8 (a) No less than annually, a disparate impact analysis shall be  
9 conducted to assess the actual impact of any automated housing decision  
10 making tool used by any landlord to select applicants for housing within  
11 the state. Such disparate impact analysis shall be provided to the land-  
12 lord.

13 (b) A summary of the most recent disparate impact analysis of such  
14 tool as well as the distribution date of the tool to which the analysis  
15 applies shall be made publicly available on the website of the landlord  
16 prior to the implementation or use of such tool. Such summary shall  
17 also be made accessible through any listing for housing on a digital  
18 platform for which the landlord intends to use an automated housing  
19 decision making tool to screen applicants for housing.

20 3. (a) Any landlord that uses an automated housing decision making  
21 tool to screen applicants for housing shall notify each such applicant  
22 of the following:

23 (i) That an automated housing decision making tool will be used in  
24 connection with the assessment or evaluation of such applicant;

25 (ii) The characteristics that such automated housing decision making  
26 tool will use in the assessment of such applicant;

27 (iii) Information about the type of data collected for such automated  
28 housing decision making tool, the source of such data, and the land-  
29 lord's data retention policy; and

30 (iv) If an application for housing is denied through use of the auto-  
31 mated housing decision making tool, the reason for such denial.

32 (b) The notice required by paragraph (a) of this subdivision shall be  
33 made no less than twenty-four hours before the use of such automated  
34 housing decision making tool and shall allow such applicant to request  
35 an alternative selection process or accommodation.

36 4. The attorney general may initiate an investigation if a preponder-  
37 ance of the evidence, including the summary of the most recent disparate  
38 impact analysis establishes a suspicion of a violation. The attorney  
39 general may also initiate in any court of competent jurisdiction any  
40 action or proceeding that may be appropriate or necessary for correction  
41 of any violation issued pursuant to this section, including mandating  
42 compliance with the provisions of this section or such other relief as  
43 may be appropriate.

44 § 2. This act shall take effect immediately.