STATE OF NEW YORK

10343

IN SENATE

May 14, 2026

Introduced by Sen. BAILEY -- 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 the disclosure of tenant screening criteria

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. Disclosure of tenant screening criteria. 1. For the purposes of this section:

(a) "Tenant screening criteria" shall mean the complete list of objective and subjective factors a landlord uses to evaluate rental applications. This includes, but is not limited to, financial history, credit score thresholds, income requirements, criminal background, references, and completeness or accuracy of the application.

(b) "Landlord" shall mean any owner, lessor, sublessor, assignor, or managing agent of, or any other person having the right to rent or lease a housing accommodation, or any agent or employee thereof.

2. (a) Prior to accepting any payment, fee or charge for the processing, review or acceptance of an application pursuant to subdivision one of section two hundred thirty-eight-a of this article or screening information from a prospective tenant, a landlord shall provide to the applicant a clear and conspicuous written disclosure of the tenant screening criteria used to evaluate rental applications. Such disclosure shall include:

(i) a detailed list of the screening criteria, which may include but is not limited to:

(A) credit history and minimum credit score thresholds, if any;

(B) criminal history policies;

(C) prior rental history, to the extent permitted under section two hundred twenty-seven-f of this article;

(D) minimum income requirements, to the extent permitted under section two hundred ninety-six of the executive law;

(E) reference requirements; and/or

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

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(F) any policy regarding incomplete or inaccurate application submissions;

(ii) whether the landlord will obtain a tenant screening report from a consumer reporting agency, and if so, the name and contact information of such agency; and

(iii) a written summary of the applicant's rights under the federal Fair Credit Reporting Act (15 U.S.C. Sect. 1681 et seq.) and article twenty-five of the general business law with respect to consumer reports, including the right to access and dispute the contents of such reports.

(b) A landlord shall not accept any payment, fee or charge for the processing, review or acceptance of an application pursuant to subdivision one of section two hundred thirty-eight-a of this article or commence any evaluation of an application until the disclosure required by this subdivision has been provided.

3. (a) The tenant screening disclosure may be included in or adjacent to the rental application form, provided it is clearly labeled and presented in bold, underlined, or otherwise conspicuous print.

(b) The applicant shall sign an acknowledgment indicating that the disclosure was made available to them prior to submitting any application materials or fees. Such acknowledgment shall include the following or a substantively equivalent statement:

"By signing below, you acknowledge that you have been provided with, and had the opportunity to review, the landlord's tenant screening criteria. The tenant screening criteria may include factors such as credit history, criminal background, rental history, income verification, and the completeness or accuracy of information provided. If you do not meet these criteria, your application may be denied and your application fee will not be refunded."

(c) If the acknowledgment is not signed, there shall be a rebuttable presumption that the required disclosure was not provided.

4. (a) If a landlord rejects an applicant without having provided the disclosure required under subdivision two of this section, such landlord shall refund the full amount of any payment, fee or charge for the processing, review or acceptance of an application pursuant to subdivision one of section two hundred thirty-eight-a of this article.

(b) Upon written request by an applicant, the landlord shall mail or otherwise deliver the refund to the address provided by the applicant within fourteen days of such request.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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