

STATE OF NEW YORK

6471--A

2025-2026 Regular Sessions

IN SENATE

March 14, 2025

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

The People of the State of New York, represented in Senate and Assembly, 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
22 impact analysis shall differentiate between applicants who were selected
23 and applicants who were not selected by the tool.

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

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

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

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

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

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

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

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

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

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

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

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

42 § 2. This act shall take effect immediately.