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:

Section 1. Short title. This act shall be known and may be cited as the "housing transparency act".

§ 2. Legislative findings. The legislature finds and declares that:

1. New York state is experiencing significant housing challenges, including limited housing supply, inconsistent reporting of rental unit occupancy status, and a lack of access to information regarding building code compliance and habitability standards;

2. While existing state and local laws require compliance with building, fire, and housing codes, there is no consistent statewide mechanism for reporting the occupancy or vacancy status of rental units, nor a centralized system to provide public transparency regarding compliance certification prior to and following tenant occupancy;

3. The absence of consistent reporting and transparency impedes accurate housing supply data, complicates enforcement of habitability standards, and limits tenants' ability to make informed decisions;

4. The improvement of transparency in rental housing reporting, while respecting local enforcement authority and protecting personal privacy, serves a legitimate public purpose by enhancing housing stability, promoting safe, habitable living conditions, and supporting data-informed public policy decision making;

5. Nothing in this act shall be construed to supersede or preempt local building, fire, or housing codes, but rather to supplement existing enforcement mechanisms through standardized reporting and administrative 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

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

6. "turnover certification" shall mean a written certification submitted by the owner following the termination of a tenancy, indicating the condition of the rental unit and any outstanding violations;

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

8. "small property owner" shall mean:

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

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

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

(ii) any entity that, directly or indirectly, through common ownership, affiliates, or controlling interest, owns or manages more than three units statewide;

(iii) any real estate investment trust, corporate landlord, or institutional investor; or

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

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

10. "downstate region" shall mean the counties of New York, Kings, Queens, Bronx, Richmond, Nassau, Westchester, Rockland, Suffolk, Dutchess, Putnam, Sullivan and Orange county.

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

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

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

(a) the address of the covered building;

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

(c) the occupancy status of each unit;

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

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

(f) certification that each occupied rental unit complies with applicable habitability requirements.

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

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

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

6. The division may permit owners who are subject to substantially similar local registration or reporting requirements to satisfy applicable provisions of this article through coordinated or integrated reporting mechanisms established by regulation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) occupancy of a rental unit;

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

(c) concerns regarding noncompliance with occupancy reporting requirements.

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

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

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

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

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

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

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

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

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

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

(ii) lease term of twelve months; or

(iii) lease term of twenty-four months.

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

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

3. This section shall not apply to:

(a) small property owners;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Beginning three years after the effective date of this article, the provisions of this article shall apply to owners of covered buildings containing between six and nineteen rental units in the upstate region.

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

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

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

§ 4. 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.

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