



Legislation Text

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Int. No. 1215

By Council Members Krishnan, Nurse, Sanchez, Gutiérrez, Cabán, Williams, Hanif, Banks, Ossé, Avilés, Ayala, Restler, Joseph, Stevens and Won

A Local Law to amend the administrative code of the city of New York, in relation to the criteria used in tenant screening reports

Be it enacted by the Council as follows:

Section 1. Section 20-807 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. Tenant-screening criteria. The term “tenant-screening criteria” means the complete list of subjective and objective factors an owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent or lease or approve the sale, rental or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof, or real estate broker, will consider when evaluating prospective tenants for the applied-for housing accommodation.

§ 2. Section 20-808 of the administrative code of the city of New York, as added by local law number 2 for the year 2010, is amended to read as follows:

§ 20-808 Disclosure. a. Any person who requests application information directly from a prospective tenant or tenants or such tenant(s)' agent or agents shall disclose to the prospective tenant or tenants the following:

(i) either:

(1) that the application information provided by the prospective tenant or tenants may be used to obtain a tenant screening report and the name and address of the consumer reporting agency or agencies which will be

used to obtain such report, or

(2) that the application information provided will not be used to obtain a tenant screening report and that the person requesting such information, and his or her agent(s), do not use tenant screening reports to determine a prospective tenant or tenants' suitability for housing; and

(ii) that pursuant to federal and state law:

(1) if the person requesting the information takes adverse action against a prospective tenant or tenants on the basis of information contained in a tenant screening report, such person must notify the tenant that such action was taken and supply the name and address of the consumer reporting agency that provided the tenant screening report on the basis of which such action was taken;

(2) any prospective tenant against whom adverse action was taken based on information contained in a tenant screening report has the right to inspect and receive a free copy of such report by contacting the consumer reporting agency;

(3) every tenant or prospective tenant is entitled to one free tenant screening report from each national consumer reporting agency annually, in addition to a credit report that should be obtained from www.annualcreditreport.com or a successor website; and

(4) every tenant or prospective tenant may dispute inaccurate or incorrect information contained in a tenant screening report directly with the consumer reporting agency[.];

(iii) the written tenant-screening criteria in a manner that makes such criteria readily available to all potential applicants. The written tenant-screening criteria shall specify all objective and subjective criteria that will be used to review rental applications, which may include the specific financial, criminal, rental history, and any other criteria used in deciding whether to rent or lease to a prospective tenant or tenants; and

(iv) in the case of a denial of an application submitted by a prospective tenant or tenants, within three (3) business days of the denial, a written or electronic document setting forth a plain statement of all reasons for the denial of the application. Such statement shall identify which tenant-screening criteria were used or

considered as a basis for denial.

b. If application information is requested in writing, the statements required by paragraphs (i), (ii), and (iii) of subdivision a of this section shall be in writing, located immediately adjacent to where personal information is requested, and set off in a box and printed in a color that sharply contrasts with the print surrounding it. If application information is requested orally, the person requesting such information shall provide written copies of the statements required by subdivision a of this section.

§ 3. This local law takes effect 120 days after it becomes law.

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