

HB 2090 -- REPORTING OF POSITIVE RENTAL PAYMENT

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Beginning February 1, 2027, any landlord of residential real property must offer any tenant the option of having his or her positive rental payment information reported to at least one nationwide consumer reporting agency. The offer from the landlord to report the information must be made at the time of the lease agreement and at least once annually thereafter. For leases entered into prior to August 28, 2026, the offer must be made no later than February 1, 2027, and at least once annually thereafter.

The offer of positive rental payment information reporting will include a written election of the payment information that contains the following:

- (1) A statement that the reporting is optional;
- (2) Identification of each consumer reporting agency to which the reporting will be reported;
- (3) The amount of any fee charged;
- (4) Instructions on how to submit the written election of positive rental payment information reporting to the landlord;
- (5) A statement that the tenant may opt into positive rental payment information reporting at any time following the initial offer by the landlord;
- (6) A statement that the tenant may elect to stop the information from being reported at any time, but that the tenant will not be able to resume positive rental payment information reporting for at least six months after the election to opt out;
- (7) Instructions on how to opt out of the information reporting; and
- (8) A signature block that the tenant must date and sign in order to accept the offer of positive reporting.

If the offer of positive reporting is made by first-class mail, the landlord must provide the tenant with a stamped, self-addressed envelope to return the written election of positive rental payment information reporting.

A tenant may submit a completed written election of positive reporting at any time after receiving the offer from the landlord, and may request additional copies at any time. A landlord must comply with all requests.

If the tenant elects to have his or her positive rental payment information reported, the landlord may require that the tenant pay either:

- (1) The cost that a consumer reporting agency imposes for the reporting of positive payment information in it's publication; or
- (2) Ten Dollars per month, whichever is less.

If a tenant fails to pay to the landlord any required fee that the consumer reporting agency imposes, the following will apply:

- (1) Failure to pay the fee can not be cause for termination of the tenancy;
- (2) The landlord can not deduct the unpaid fee from the tenant's security deposit; and
- (3) If the fee remains unpaid for 30 days or more, the landlord may stop reporting the tenant's rental payments, and the tenant will not be able to elect positive payment reporting again for six months.

The provisions of this bill do not apply to a landlord of a residential rental building that contains 15 or fewer units or an assisted housing developmen, unless the landlord owns more than one residential rental building, regardless of the number of units in each building, and is a real estate investment trust, corporation, or limited liability company.

A tenant who elects positive rental payment information reporting does not forfeit any of his or her landlord-tenant rights. If a tenant makes a deduction from his or her rent or otherwise withholds rent as authorized by law, those deductions or withholdings do not constitute a late rental payment. A tenant invoking the right to repair and deduct or withhold rent must notify the landlord of the deduction or withholding prior to the date rent is due.

This bill is similar to HB 938 (2025).