

New York Prohibits Consumer Credit Checks for Employment Purposes

On December 19, 2025, New York Governor Kathy Hochul signed Senate Bill 3072 ([SB 3072](#)) into law, amending the New York Fair Credit Reporting Act to prohibit most employers from requesting a consumer credit report or using an applicant's or employee's consumer credit history for employment purposes. Under this law, employers may not request, review, or consider a credit report, credit score, or any self-reported credit information unless the position qualifies for one of the [defined exemptions](#).

Employers Impacted: Employers with one or more employees performing work in New York.

Effective Date: April 18, 2026.

Employer Actions:

- Review and revise, if necessary, company policies, job descriptions, and hiring and employment processes to align with SB 3072 and remove any reference to credit checks unless the position meets one of the defined exemptions provided below.
 - Document exemptions for positions that qualify by identifying the specific exemption and maintaining supporting evidence before obtaining any credit information.
- Ensure background check vendors do not provide credit information unless you have confirmed an exemption for the position applies.
- Train managers, recruiters, and HR staff on the new prohibitions, the defined exemptions allowed, and what questions cannot be asked during interviews or applicant screening.

Summary:

A consumer credit report is provided by a credit reporting agency and contains information about an individual's creditworthiness, credit standing, credit capacity, or credit history. Consumer credit history is a broader category that covers all information reflecting how an individual has managed credit over time. It includes the credit report, a credit score, and any credit related details the individual provides directly, such as the number of credit accounts they have, late or missed payments, charged-off debts (i.e., those that a debt collector has written off), items in collections, credit limits, prior credit inquiries, and information about bankruptcies, court judgments, or liens.

Under SB 3072, consumer credit history may be used only for the following defined exempt positions, including employers that are required by state or federal law or by a self-regulatory organization, as defined under the Securities Exchange Act, to use consumer credit history for employment purposes:

- Employers required by state or federal law, or a self-regulatory organization, to use consumer credit history for employment purposes.
- Peace officers, police officers, or any role with a law enforcement or investigative function in a law enforcement agency.
- Appointed positions subject to state agency background investigations where the role involves a high degree of public trust.
- Positions that require the employee to be bonded under state or federal law.
- Positions that require state or federal security clearance.
- Non-clerical positions with regular access to trade secrets, intelligence information, or national security information.
- Positions with signatory authority over third party funds or assets valued at \$10,000 or more, or that involve fiduciary responsibility with authority to enter financial agreements of \$10,000 or more on the employer's behalf.
- Positions with regular duties that allow modification of digital security systems designed to prevent unauthorized access to networks or databases.

This law aligns with the New York City Stop Credit Discrimination in Employment Act, which imposed similar restrictions and exemptions within New York City since its enactment in 2015 and now serves as the basis for extending those protections statewide.

For questions, log in to TriNet (login.TriNet.com) and go to the Administrator Dashboard. Use the “Contact HR Plus Support” Quick Link to connect with an HR Advisor. If you have an assigned HR Manager, you may also reach out to them directly or through the “Contact HR Plus Support” link.

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