STATE OF NEW YORK

9523

IN ASSEMBLY

January 14, 2026

Introduced by M. of A. SIMON -- read once and referred to the Committee on Housing

AN ACT to amend the real property law, in relation to enacting the central air conditioner and heat pump rights act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real property law is amended by adding a new article 9-F to read as follows:

ARTICLE 9-F

CENTRAL AIR CONDITIONER AND HEAT PUMP RIGHTS ACT

Section 344-o. Certain covenants, conditions, and restrictions of homeowners' associations prohibited.

§ 344-o. Certain covenants, conditions, and restrictions of homeowners' associations prohibited. 1. For the purposes of this section:

(a) "restriction on use" shall mean any covenant, restriction, or condition contained in:

(i) a deed;

(ii) a contract;

(iii) the by-laws of a homeowners' association;

(iv) any rules or regulations adopted by a homeowners' association;

(v) a security agreement; or

(vi) any other instrument affecting the transfer or sale of, or any interest in, real property.

(b) "central air conditioner" shall mean a type of heating, ventilation and air conditioning system that is designed to cool an entire home or building, cools air in a central location and distributes it through a network of ducts and vents.

(c) "heat pump" shall mean a device that transfers heat from one place to another, using electricity, and can provide both heating and cooling.

2. A homeowners' association may not adopt or enforce any rules or regulations that would effectively prohibit, or impose unreasonable limitations on, the installation or use of a central air conditioner or heat pump. A restriction on use which effectively prohibits the installation or use of a central air conditioner or heat pump is unenforceable

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

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and shall be void as contrary to public policy. For the purposes of this subdivision, an unreasonable limitation includes, but is not limited to, any restriction on use that:

(a) inhibits the central air conditioner or heat pump from functioning at its intended maximum efficiency; or

(b) increases the central air conditioner or heat pump's installation or maintenance costs by an amount which is estimated to be greater than ten percent of the total cost of the initial installation of the central air conditioner or heat pump, including the costs of labor and equipment.

3. Notwithstanding subdivision two of this section, a homeowners' association may adopt or enforce a restriction on use to prohibit the installation of a central air conditioner or heat pump that is located on property owned by the homeowners' association or that is located on property owned in common by the members of the homeowners' association.

4. If approval for the installation or use of a central air conditioner or heat pump is required by a homeowners' association, the application for approval shall be processed and approved by the association in a manner prescribed by the association and shall not be willfully avoided or delayed. The approval or denial of an application shall be in writing. Any denial of a homeowner's application shall include a detailed description of the exact basis for the denial and shall include specific examples of the homeowners' association's concerns, if applicable. If an application is not denied in writing within sixty days from the date of receipt of the application, the application shall be deemed approved, unless that delay is the result of a reasonable request for additional information.

5. A central air conditioner or heat pump shall meet the requirements established by any local, state or federal law, rule or regulation on health and safety standards and those requirements imposed by state and local permitting authorities.

6. In any action by a homeowner requesting to have a central air conditioner or heat pump installed and seeking to enforce compliance with this section, the homeowner shall be awarded reasonable attorney's fees if such homeowner prevails.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.