STATE OF NEW YORK

10427

IN SENATE

May 15, 2026

Introduced by Sen. GONZALEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to residential environmental transparency

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 section 235-k to read as follows:

§ 235-k. Residential environmental transparency. 1. For the purposes of this section:

(a) "Landlord" shall mean any fee owner, lessor, sublessor, assignor, court appointed receiver, or any other person or entity receiving or entitled to receive rent for the occupancy of any housing accommodation or an agent of any of the foregoing.

(b) "Tenant" shall mean a tenant, sub-tenant, lessee, sublessee, or any other person entitled to the lawful possession, use or occupancy of any housing accommodation.

(c) "Superfund site" shall mean a contaminated site as designated by the United States environmental protection agency due to hazardous waste being dumped, left out in the open, or otherwise improperly managed; and

(d) "Brownfield site" or "site" shall mean any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department of environmental conservation that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

2. (a) A tenant, residential lessee, or sublessee who resides within or whose residence is otherwise eligible for an inspection in relation to a nearby designated superfund site or brownfield site shall have the right to have their residence inspected and tested by one or more government-employed or government-contracted inspectors in accordance with the inspection or testing procedure created for such designated site. Such testing shall be conducted and/or permitted within the zip code of such site or at the determination of the testing authority.

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

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(b) A landlord, lessor, or property owner shall not deny a request from a tenant, residential lessee, or sublessee to permit inspection and testing if eligible under this section. Upon such request, such landlord, lessor, or property owner shall permit inspection and testing by government-employed or government-contracted inspectors within sixty days of such request or the next earliest available inspection date.

(c) Nothing in this section shall be construed to permit an inspector to enter a residence where a tenant, residential lessee, or sublessee has not requested such inspection.

(d) Such testing and inspection shall be at the determination of government-employed or government-contracted inspectors including, but not limited to, the residence of the requesting individual and/or any common spaces within the residence in accordance with the testing procedures.

(e) A landlord, lessor, or property owner may refuse to permit inspection and testing if previous inspection and testing has been completed by government-employed or government-contracted inspectors and a copy of the results from such inspection are provided to the tenant.

3. Failure of a landlord, lessor, or property owner to comply with the provisions of this section and permit entry to a premises to inspection and testing shall constitute a violation subject to a civil penalty of not more than one thousand dollars for each such violation. For a second violation a landlord, lessor, or property owner of a residential premises shall be subject to a civil penalty of not more than five thousand dollars for each violation. For a third and subsequent violations of this section a tenant, residential lessee, or sublessee may apply to the court for an order to enforce the provisions of this section. In the event the court issues an order it shall make provision for an expeditious trial of the underlying action. A landlord, lessor, or property owner shall not be liable for a violation of this section if they can prove to the court that a tenant of the residence refused entry for inspection and testing. Nothing in this subdivision shall be construed to impair or limit the ability of a tenant, residential lessee, or sublessee to enforce the provisions of this section in any other manner permitted by law.

§ 2. This act shall take effect immediately.