

STATE OF NEW YORK

4883

2025-2026 Regular Sessions

IN ASSEMBLY

February 10, 2025

Introduced by M. of A. CLARK -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to establishing the right to inspection of residential real properties

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

1 Section 1. The article heading of article 14 of the real property law,
2 as added by chapter 456 of the laws of 2001, is amended to read as
3 follows:

4 PROPERTY CONDITION DISCLOSURE AND RIGHT TO INSPECTION
5 IN THE SALE OF RESIDENTIAL REAL
6 PROPERTY

7 § 2. Section 461 of the real property law is amended by adding a new
8 subdivision 7 to read as follows:

9 7. "Inspection" mean the process by which a home inspector observes
10 and provides, pursuant to the transfer of title of residential real
11 property, condominium units, or cooperative apartments, a written evalu-
12 ation of the following readily accessible components of the residential
13 structure including, but not limited to, heating, cooling, plumbing and
14 electrical systems, structural components, foundation, roof, masonry
15 structure, exterior and interior components and any other related resi-
16 dential housing components and, for the purposes of condominium units
17 and cooperative apartments, any associated common areas.

18 § 3. The real property law is amended by adding a new section 468 to
19 read as follows:

20 § 468. Right to inspection. 1. Notwithstanding any law to the contra-
21 ry, except as otherwise provided in this section, a prospective purchas-
22 er of residential real property, a condominium unit, or a cooperative
23 apartment shall have the right to have such residential real property, a
24 condominium unit, or a cooperative apartment inspected by a home inspec-
25 tor licensed under article twelve-B of this chapter, within ten days, or

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

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1 longer as the seller and prospective purchaser may agree in writing, of
2 the seller's acceptance of an offer to purchase made by the prospective
3 purchaser.

4 2. (a) No seller of residential real property, a condominium unit, or
5 a cooperative apartment, or agent thereof, shall condition the accept-
6 ance of an offer to purchase on the prospective purchaser's agreement to
7 waive, limit, restrict or otherwise forego the prospective purchaser's
8 right to have such residential real property, a condominium unit, or a
9 cooperative apartment inspected except when the sale of the residential
10 real property, condominium unit, or cooperative apartment is to occur at
11 an auction.

12 (b) No seller shall accept an offer to purchase from any prospective
13 purchaser or agent thereof who, in advance of the seller's acceptance of
14 the offer, informs the seller either directly or indirectly that the
15 prospective purchaser intends to waive in whole or in part the prospec-
16 tive purchaser's right to inspection; provided, however, that the seller
17 may accept such an offer without violating this section if the prospec-
18 tive purchaser is: (i) the spouse, sibling, child, parent, grandparent,
19 grandchild, great-grandchild or great-grandparent of the seller; or (ii)
20 the former spouse of the seller and the sale of the structure or unit is
21 being made pursuant to a judgment or order.

22 (c) Each offer to purchase residential real property, a condominium
23 unit, or a cooperative apartment shall include the following language:

24 "Buyer is entitled under section 468 of the real property law to
25 choose to have the premises inspected at Buyer's expense within 10 days,
26 or longer as Seller and Buyer may agree in writing, of Seller's accept-
27 ance of Buyer's offer to purchase. Unless one of the exceptions in said
28 section 468 applies, neither Seller nor Buyer may make acceptance of
29 this offer to purchase contingent upon waiver, limitation or restriction
30 of Buyer's right to choose to obtain a home inspection. Should Buyer
31 choose to have the premises inspected, if it is the inspector's opinion
32 that the premises contain serious structural, mechanical or other
33 defects and if the repair of such defects would cost Buyer in the aggre-
34 gate more than the amount indicated by the Buyer herein (\$ _____),
35 then Buyer shall have the option of revoking this offer to purchase by
36 written notice to the Seller or Seller's agent within 5 business days of
37 the date of the inspection, or longer as Seller and Buyer may agree in
38 writing. Such notice shall be accompanied by a copy of the inspector's
39 opinion and a copy of cost estimates obtained by Buyer."

40 3. Nothing in this section shall be construed to require, mandate or
41 otherwise compel a prospective purchaser to obtain an inspection follow-
42 ing the acceptance by the seller of an offer to purchase. The prospec-
43 tive purchaser's right to obtain an inspection shall expire if no
44 inspection occurs within ten days, or longer as agreed upon by the sell-
45 er and perspective purchaser in writing, of the seller's acceptance of a
46 prospective purchaser's offer to purchase.

47 4. Any seller who fails to comply with the provisions of this section
48 shall be liable to the prospective purchaser for all damages caused by
49 the failure to comply and shall be subject to assessment of a civil
50 penalty not to exceed four per cent of the sale price of the residential
51 real property, condominium unit, or cooperative apartment or ten thou-
52 sand dollars, whichever is greater. A violation of this section by a
53 person engaged in trade or commerce shall also be considered an unfair
54 and deceptive act or practice as defined in section three hundred
55 forty-nine of the general business law. A violation of this section by
56 an agent shall constitute a violation of section four hundred

1 forty-two-e of this chapter. The attorney general may take such action
2 as may be necessary to enforce the provisions of this section.
3 § 4. This act shall take effect on the first of January next succeed-
4 ing the date on which it shall have become a law. Effective immediately,
5 the addition, amendment and/or repeal of any rule or regulation neces-
6 sary for the implementation of this act on its effective date are
7 authorized to be made and completed on or before such effective date.