

# STATE OF NEW YORK

8570--A

2025-2026 Regular Sessions

## IN SENATE

November 7, 2025

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The real property law is amended by adding a new article  
2 9-F to read as follows:

### ARTICLE 9-F

#### CENTRAL AIR CONDITIONER AND HEAT PUMP RIGHTS ACT

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

7 § 344-o. Certain covenants, conditions, and restrictions of homeowners' associations prohibited. 1. For the purposes of this section:

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

11 (i) a deed;

12 (ii) a contract;

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

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

15 (v) a security agreement; or

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

18 (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.

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

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

3 2. A homeowners' association may not adopt or enforce any rules or  
4 regulations that would effectively prohibit, or impose unreasonable  
5 limitations on, the installation or use of a central air conditioner or  
6 heat pump. A restriction on use which effectively prohibits the instal-  
7 lation or use of a central air conditioner or heat pump is unenforceable  
8 and shall be void as contrary to public policy. For the purposes of this  
9 subdivision, an unreasonable limitation includes, but is not limited to,  
10 any restriction on use that:

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

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

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

23 4. If approval for the installation or use of a central air condition-  
24 er or heat pump is required by a homeowners' association, the applica-  
25 tion for approval shall be processed and approved by the association in  
26 a manner prescribed by the association and shall not be willfully  
27 avoided or delayed. The approval or denial of an application shall be in  
28 writing. Any denial of a homeowner's application shall include a  
29 detailed description of the exact basis for the denial and shall include  
30 specific examples of the homeowners' association's concerns, if applica-  
31 ble. If an application is not denied in writing within sixty days from  
32 the date of receipt of the application, the application shall be deemed  
33 approved, unless that delay is the result of a reasonable request for  
34 additional information.

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

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

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