

STATE OF NEW YORK

8729

IN SENATE

January 7, 2026

Introduced by Sen. MAY -- 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 enacting the "right to home inspection act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "right to home inspection act".

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

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

7 PROPERTY

8 § 3. Section 461 of the real property law is amended by adding 8 new
9 subdivisions 7, 8, 9, 10, 11, 12, 13, and 14 to read as follows:

10 7. "Inspection" means the process by which a home inspector observes
11 and provides, pursuant to the transfer of title of residential real
12 property, condominium units, or cooperative apartments, a written evalu-
13 ation of readily accessible components of the residential structure
14 including, but not limited to, heating, cooling, plumbing and electrical
15 systems, structural components, foundation, roof, masonry structure,
16 exterior and interior components and any other related residential hous-
17 ing components and, for the purposes of condominium units and cooper-
18 ative apartments, and, solely to the extent readily accessible from and
19 relevant to the unit and customarily observed in the course of such
20 inspection, any associated common areas.

21 8. "Inspection period" means the period under which a prospective
22 buyer of residential real property has the right to have such property
23 inspected by a licensed home inspector under subdivision one of section
24 four hundred sixty-seven of this article, beginning the day after the
25 buyer receives a fully signed purchase agreement.

26 9. "Buyer" means a person or entity, excluding relatives of a seller,
27 who makes a purchase offer to a seller of a home, or who has entered
28 into a purchase agreement for a home with a seller.

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

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1 10. "Home" means a residential real property containing not more than
2 four separate units.

3 11. "Purchase agreement" means a binding real estate purchase contract
4 for a home that would, upon acceptance and signing by both buyer and
5 seller, and subject to satisfaction of any contingencies, require the
6 buyer to accept a transfer of title.

7 12. "Purchase offer" means any verbal or written proposal submitted to
8 a seller or seller's agent by a prospective buyer or buyer's agent for
9 purchase of a home.

10 13. "Relative" means the spouse, sibling, child, parent, grandparent,
11 grandchild, great-grandchild, or great-grandparent of an individual.

12 14. "Seller" means any person or entity who is the legal owner of a
13 home (or, one of those legally authorized to convey the interest in a
14 home when it is held in an estate or trust) to whom a purchase offer for
15 a home is made by a buyer and/or who has entered into a purchase agree-
16 ment for sale of the home with a buyer.

17 15. "Ancillary inspection or test" means any additional evaluation a
18 buyer may choose to obtain, such as water quality, environmental testing
19 or pest evaluation.

20 § 4. The real property law is amended by adding a new section 467 to
21 read as follows:

22 § 467. Right to inspection. 1. Notwithstanding any law to the contra-
23 ry, except as otherwise provided in this section, a buyer of a home
24 shall have the right to have such home inspected by a home inspector
25 licensed under article twelve-B of this chapter of their choice, within
26 ten business days, not to exceed fourteen calendar days, beginning on
27 the day after the buyer's receipt of a purchase agreement signed by both
28 parties, or longer as the seller and buyer may agree in writing, of
29 receipt by the buyer of a purchase agreement for sale of a seller's
30 home, signed and dated in agreement by both the buyer and seller. Such
31 right shall not be precluded by any evaluation undertaken by or on
32 behalf of the buyer or others in advance of a signed purchase agreement.

33 2. (a) No seller of a home, or agent thereof, shall condition the
34 acceptance of a purchase offer on the buyer's agreement to waive, limit,
35 restrict or otherwise forego the buyer's right to have such home
36 inspected except when the sale of the home is to occur at an auction.

37 (b) No seller shall accept an offer to purchase from any buyer or
38 agent thereof who, in advance of the seller's acceptance of the offer,
39 informs the seller either directly or indirectly that the buyer intends
40 to waive in whole or in part the buyer's right to inspection; provided,
41 however, that the seller may accept such an offer without violating this
42 section if the buyer is: (i) a relative of the seller; or (ii) the
43 former spouse of the seller and the sale of the structure or unit is
44 being made pursuant to a judgment or order.

45 (c) (i) The department of state shall develop a form explaining the
46 inspection right under this section. Such form shall be signed by both a
47 buyer and seller before or at the first purchase offer or purchase
48 agreement, whichever is executed first.

49 (ii) The language from the form developed pursuant to subparagraph (i)
50 of this paragraph shall be included in all brokerage agreements, offers
51 and contracts.

52 3. Nothing in this section shall be construed to require, mandate or
53 otherwise compel a buyer to obtain an inspection following the accept-
54 ance by the seller of a purchase offer. The buyer's right to obtain an
55 inspection shall expire if no inspection occurs within ten business days
56 or fourteen calendar days, whichever is shorter, pursuant to subdivision

1 one of this section, or longer as agreed upon by the seller and buyer in
2 writing, of the seller's acceptance of a buyer's purchase offer.

3 4. The seller shall provide reasonable access to the home for
4 inspection during the inspection period. If seller-caused delay or
5 denial of access materially prevents completion of an inspection during
6 the inspection period, the inspection period shall be extended for a
7 reasonable time to permit completion of the inspection. After three
8 seller-requested reschedules, the buyer may cancel the purchase agree-
9 ment and recover any deposits and documented costs.

10 5. Consistent with section four hundred forty-four-g of this chapter,
11 inspection reports shall be deemed to be the property of the buyer, and
12 shall not be disclosed without the buyer's consent, except as required
13 by law.

14 6. The buyer may cancel the purchase agreement at or before five
15 o'clock p.m. on the last day of the inspection period if unsatisfied
16 with the inspection results, and shall be provided a full refund of
17 deposits, issued promptly to the buyer.

18 7. Any seller who fails to comply with the provisions of this section
19 shall be liable to the buyer for all damages caused by such failure to
20 comply and shall be subject to assessment of a civil penalty not to
21 exceed four percent of the last publicly listed asking price of the home
22 at the time of the violation or ten thousand dollars, whichever is
23 greater. A violation of this section by an agent shall be considered an
24 unfair and deceptive act or practice as defined in section three hundred
25 forty-nine of the general business law. The attorney general may take
26 such action as may be necessary to enforce the provisions of this
27 section.

28 8. The department of state, in consultation with the department of
29 financial services and the attorney general, shall promulgate any rules
30 and regulations necessary to effectuate the provisions of this section.

31 § 5. Subdivision 1 of section 462 of the real property law, as added
32 by chapter 456 of the laws of 2001, is amended and a new subdivision 2-a
33 is added to read as follows:

34 1. Except as is provided in section four hundred sixty-three of this
35 article, every seller of residential real property pursuant to a real
36 estate purchase contract shall complete and sign a property condition
37 disclosure statement as prescribed by subdivision two of this section
38 and a right to inspection statement under subdivision two-a of this
39 section and cause ~~it~~ such statements, or a copy thereof, to be deliv-
40 ered to a buyer or buyer's agent prior to the signing by the buyer of a
41 binding contract of sale. A copy of the property condition disclosure
42 statement and the right to inspection statement containing the signa-
43 tures of both seller and buyer shall be attached to the real estate
44 purchase contract. A copy of the right-to-inspection advisory statement
45 signed by the buyer and seller shall also be attached to the real estate
46 purchase contract. Nothing contained in this article ~~[or this]~~, the
47 disclosure statement or the right to inspection statement is intended to
48 prevent the parties to a contract of sale from entering into agreements
49 of any kind or nature with respect to the physical condition of the
50 property to be sold, including, but not limited to, agreements for the
51 sale of real property "as is".

52 2-a. The following shall be the right to inspection statement:

53 "New York State Right to Home Inspection Advisory:

54 New York follows the rule of caveat emptor, meaning buyers are respon-
55 sible for evaluating the condition of a home before purchase. Under Real
56 Property Law section 467, a buyer has the right to have the home

1 inspected by a licensed home inspector, at the buyer's expense, within
2 the inspection period. Buyers may not waive this right in a purchase
3 offer, and sellers may not condition acceptance of an offer on such a
4 waiver. Sellers and agents must provide reasonable access for inspection
5 and may not obstruct or interfere with the inspection process. A buyer
6 may cancel the purchase agreement during the inspection period if unsat-
7 isfied with the inspection results, in accordance with Real Property Law
8 section 467."

9 § 6. This act shall take effect on the first of January next succeed-
10 ing the date on which it shall have become a law. Effective immediately,
11 the addition, amendment and/or repeal of any rule or regulation neces-
12 sary for the implementation of this act on its effective date are
13 authorized to be made and completed on or before such effective date.