

STATE OF NEW YORK

7911

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

Introduced by M. of A. EPSTEIN -- 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:

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

ARTICLE 9-E

CENTRAL AIR CONDITIONER AND HEAT PUMP RIGHTS ACT

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

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

9 (a) "restriction on use" shall mean any covenant, restriction, or
10 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
17 interest in, real property.

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

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

24 2. A homeowners' association may not adopt or enforce any rules or
25 regulations that would effectively prohibit, or impose unreasonable

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

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1 limitations on, the installation or use of a central air conditioner or
2 heat pump. A restriction on use which effectively prohibits the instal-
3 lation or use of a central air conditioner or heat pump is unenforceable
4 and shall be void as contrary to public policy. For the purposes of this
5 subdivision, an unreasonable limitation includes, but is not limited to,
6 any restriction on use that:

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

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

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

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

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

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

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