

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:

1 Section 1. The real property law is amended by adding a new section
2 235-k to read as follows:

3 § 235-k. Residential environmental transparency. 1. For the purposes
4 of this section:

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

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

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

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

21 2. (a) A tenant, residential lessee, or sublessee who resides within
22 or whose residence is otherwise eligible for an inspection in relation
23 to a nearby designated superfund site or brownfield site shall have the
24 right to have their residence inspected and tested by one or more
25 government-employed or government-contracted inspectors in accordance
26 with the inspection or testing procedure created for such designated
27 site. Such testing shall be conducted and/or permitted within the zip
28 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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1 (b) A landlord, lessor, or property owner shall not deny a request
2 from a tenant, residential lessee, or sublessee to permit inspection and
3 testing if eligible under this section. Upon such request, such land-
4 lord, lessor, or property owner shall permit inspection and testing by
5 government-employed or government-contracted inspectors within sixty
6 days of such request or the next earliest available inspection date.

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

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

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

19 3. Failure of a landlord, lessor, or property owner to comply with the
20 provisions of this section and permit entry to a premises to inspection
21 and testing shall constitute a violation subject to a civil penalty of
22 not more than one thousand dollars for each such violation. For a
23 second violation a landlord, lessor, or property owner of a residential
24 premises shall be subject to a civil penalty of not more than five thou-
25 sand dollars for each violation. For a third and subsequent violations
26 of this section a tenant, residential lessee, or sublessee may apply to
27 the court for an order to enforce the provisions of this section. In the
28 event the court issues an order it shall make provision for an expe-
29 ditious trial of the underlying action. A landlord, lessor, or property
30 owner shall not be liable for a violation of this section if they can
31 prove to the court that a tenant of the residence refused entry for
32 inspection and testing. Nothing in this subdivision shall be construed
33 to impair or limit the ability of a tenant, residential lessee, or
34 sublessee to enforce the provisions of this section in any other manner
35 permitted by law.

36 § 2. This act shall take effect immediately.