

STATE OF NEW YORK

5112

2025-2026 Regular Sessions

IN SENATE

February 19, 2025

Introduced by Sen. SCARCELLA-SPANTON -- 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 requiring radon
inspections by sellers on the sale of residential real property

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

1 Section 1. The real property law is amended by adding a new section
2 467 to read as follows:

3 § 467. Radon inspection. 1. Effective January first, two thousand
4 twenty-six, every seller of residential real property pursuant to a real
5 estate purchase contract shall deliver to a buyer or buyer's agent prior
6 to the signing by the buyer of a binding contract of sale a certificate
7 that such property has been tested for radon, and provide the report of
8 such test. The seller shall attach a copy of the certificate containing
9 the signature of the seller and any report of a test for radon to the
10 real estate purchase contract.

11 2. Any provision in a real estate purchase contract or any other docu-
12 ment related to the transfer of title in residential real property that
13 purports to waive any right created under state or federal law for the
14 buyer to conduct a risk assessment or inspection of the property to
15 determine the presence of radon, or any oral agreement that purports to
16 waive such right, is null and void as against public policy, notwith-
17 standing that such waivers might otherwise be permitted by federal law.

18 3. A certificate that such property has been tested for radon shall
19 not be required in connection with any of the following transfers of
20 residential real property:

21 (a) A transfer to a beneficiary of a deed of trust;

22 (b) A transfer by a fiduciary in the course of the administration of a
23 decedent's estate, a guardianship, a conservatorship, or a trust;

24 (c) A transfer from one co-owner to one or more other co-owners;

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

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1 (d) A transfer made to the transferor's spouse or to one or more
2 persons in the lineal consanguinity of one or more of the transferors;

3 (e) A transfer between spouses or former spouses as a result of a
4 decree of divorce, dissolution of marriage, annulment, or legal sepa-
5 ration or as a result of property settlement, agreement incidental to a
6 decree of divorce, dissolution of marriage, annulment or legal sepa-
7 ration;

8 (f) A transfer to or from the state, a political subdivision of the
9 state, or another governmental entity;

10 (g) A transfer by a sheriff; or

11 (h) A transfer pursuant to a partition action.

12 4. Nothing contained in this article is intended to prevent the
13 parties to a contract of sale from entering into agreements of any kind
14 or nature with respect to the physical condition of the property to be
15 sold, including, but not limited to, agreements for the sale of real
16 property "as is".

17 5. An agent representing a seller of residential real property as a
18 listing broker, or, if the seller is not represented by an agent, the
19 agent representing the buyer of residential real property and dealing
20 with a prospective seller, shall have the duty to timely (in any event,
21 before the buyer signs a binding contract of sale) inform each seller of
22 the seller's obligations under this section. An agent representing a
23 buyer of residential real property, or, if the buyer is not represented
24 by an agent, the agent representing a seller of residential real proper-
25 ty and dealing with a prospective buyer, shall have the duty to timely
26 (in any event, before the buyer signs a binding contract of sale) inform
27 such buyer of the buyer's rights and obligations under this section. If
28 an agent performs the duties and obligations imposed upon such agent
29 pursuant to this section, the agent shall have no further duties under
30 this section and shall not be liable to any party for a violation of
31 this article. The department of state may, pursuant to section four
32 hundred forty-one-c of this chapter, revoke or suspend the license of an
33 agent who violates this section.

34 § 2. This act shall take effect immediately.