

CLEAN HANDS ACT

(S4098/A1621)

APRIL 2026

While New York has strong warranty of habitability laws, serious housing code violations are endemic across the state. In fact, the vast majority of tenants with credible claims do not benefit from these laws.¹ Instead, tenants are forced to live with mold, pest infestations, and inadequate heat for years, if not decades. In many jurisdictions, eviction cases move faster than code enforcement—making it easier to displace tenants than to fix dangerous living conditions.² The relationship between code enforcement violations and evictions is not incidental: a 2022 LISC report found that speculative investors in low-income communities of color were more likely to both neglect their buildings and to evict their tenants than other landlords.³

The Clean Hands Act (**S4098/A1621**) would build on existing state and local laws to compel landlords to meet basic warranty of habitability standards. Landlords with open housing code violations would be prevented from suing tenants for eviction.

A 2025 Community Service Society survey found that 54 percent of tenants across the state faced 1-3 housing quality issues, while 14 percent faced more than four issues.⁴ Among the state's six most populous tenant regions, including New York City, Long Island, the Capital District, as well as Erie, Monroe, and Westchester counties, **1,760,000 tenant households** experienced at least one housing quality issue over the past three years. **410,000 households** have experienced four or more issues, and are likely living in severely distressed housing.

	Tenant households ⁵	1-3 Housing Quality Issues	4+ Housing Quality Issues	Total
NYC	2,241,000	1,210,000	336,000	1,546,000
Long Island	174,000	103,000	16,000	119,000
Capital District	140,000	74,000	10,000	84,000
Monroe	119,000	73,000	10,000	83,000
Erie	132,000	66,000	16,000	82,000
Westchester	146,000	70,000	22,000	92,000
Total	2,952,000	1,596,000	410,000	1,760,000

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IMPACT

If passed, the Clean Hands Act would have broad, positive impact, including:

- Strengthening existing Warranty of Habitability laws and local Building Codes, by providing both tenants and localities with a new legal enforcement mechanism to hold landlords accountable.
- Curtailing serial eviction filings that overload civil and housing courts, which are used by landlords to both discourage tenants from organizing and to extract additional profit through junk fees.⁶
- Protecting tenants’ rights to seek help with code enforcement by discouraging retaliatory evictions.
- Advancing public health by preventing dangerous housing conditions that harm tenants health and wellbeing. Poor housing conditions like mold, lead, and pest infestations are directly linked to serious health risks such as respiratory illness and developmental delays. Clean Hands will reduce the long-term health impacts of substandard housing, by ensuring landlords cannot evict tenants while such violations exist.⁷

	2025 Eviction Filings ⁸	Households Protected by Clean Hands
NYC	121,000	83,000
Long Island	11,000	7,000
Capital District	9,000	5,000
Monroe	9,000	6,000
Erie	10,000	6,000
Westchester	8,000	5,000
All other localities	24,900	17,200
Total	192,900	129,200

In 2025, 192,900 tenant households were sued for eviction across New York State. Using findings from the 2025 CSS survey about tenants living with persistent housing quality issues, we estimate that **129,200 households** could have been protected from evictions under the Clean Hands bill, in just one year.

CONTEXT

The Clean Hands Act would bolster existing local building codes and state Warranty of Habitability statutes, and dovetail with New York State’s 2022 Tenant Dignity and Safe Housing Act, which gave tenants a right to sue their landlords for repairs.

Localities in New York State have long struggled with code enforcement. New York City and Albany have local laws that use civil processes to compel landlords to make repairs, while New York State recently passed a lead registry law that prevents eviction by non-compliant

landlords in 25 jurisdictions in New York State. Clean Hands builds on these local efforts to strengthen code enforcement and curtail unjust evictions in the state.

Examples of city and state laws that the Clean Hands Act builds on include:

- **Rent Impairing Violations (NYC):**
New York City tenants have the legal right to withhold rent (by depositing it into a court-managed escrow account), if a landlord has failed to fix immediately hazardous violations in their apartment or building for more than six months. If a tenant is able to establish the presence of Rent Impairing Violations (RIV) in housing court, they are legally entitled to receive a full rent abatement for the time they spent living under hazardous conditions.⁹ RIV defenses are triggered by a landlord suing to evict a tenant for nonpayment and relies on the same legal logic as Clean Hands: Landlords must provide safe living conditions in order to collect rent from tenants.
- **Certification of No Harassment (NYC):**
Landlords who own buildings in six geographic areas designated in New York City's zoning code, or whose buildings are on the Certification of No Harassment (CONH) Pilot Program List, must proactively show that they did not engage in tenant harassment before demolishing or significantly altering their building.¹⁰ The definition of harassment in New York City, includes unjustified eviction notices, deliberately disruptive construction, and repeated interruption of heat, hot water, and other essential services. Like Clean Hands, CONH draws a relationship between poor housing quality, evictions, and displacement to create a regulatory framework to hold landlords accountable.
- **Lead Rental Registry Law (NYS):**
Rental registries, which require landlords to provide up-to-date information about their rental buildings to their city or county, have been adapted by localities throughout the US, including in Buffalo, NY since 2004.¹¹ Some jurisdictions, like Anne Arundel County in Maryland, prevent landlords from suing for eviction if they have not registered and obtained a rental licence.¹²
In 2025, New York State adopted a Lead Rental Registry Law,¹³ in 25 cities with high rates of lead poisoning among children. The registry requires landlords to inspect and remediate lead hazards in properties built before 1980. Tenants can also compel their landlord to remediate lead hazards outside of the three year inspection schedule. New York State's Lead Rental Registry Law prevents eviction in non-compliant covered properties. Like Clean Hands, the Lead Rental Registry requires landlords to meet a basic housing quality standard to collect rent from their tenants.
- **Residential Occupancy Permit Requirement (Albany):**
In 2021, Albany mandated landlords seeking to sue their tenants for eviction to submit an up to date Residential Occupancy Permit.¹⁴ This requirement, like Clean Hands, compels a landlord to meet a base level of habitability standards before suing for eviction.

ENDNOTES

1. Nicole Summers. "[The Limits of Good Law: A Study of Housing Court Outcomes.](#)" The University of Chicago Law Review, 2020.
2. Emilie Munson. "[Mice and no heat: Behind the struggle to hold landlords accountable.](#)" Times Union, March 31, 2023.
3. David M. Greenberg, Julia Duranti-Martínez, et al. "[Gambling with Homes, or Investing in Communities.](#)" LISC, March 2022.
4. Oksana Mironova. "[Housing Distress is Widespread Across NYC's Rental Market—Rent Regulation is Not to Blame.](#)" CSSNY, February 2026.
5. Tenant household counts from ACS 2024 1 Year Estimate; Housing quality analysis applies shares of housing quality issues reported in the 2025 CSS Annual Survey of Housing and Economic Security on to the 2024 ACS tenant household counts, by geography.
6. Lillian Leung, Peter Hepburn, and Matthew Desmond. "[Serial Eviction Filing: Civil Courts, Property Management, and the Threat of Displacement.](#)" Social Forces, September 2021.
7. James Krieger and Donna L. Higgins. "[Housing and Health: Time Again for Public Health Action.](#)" American Journal of Public Health, May 2002.
8. 2025 Eviction filings data from NYS Unified Court System's Eviction Dashboard; Analysis in the Housing Protected by Clean Hands column is the share of households reporting a housing quality issue in the 2025 CSS Annual Survey of Housing and Economic Security, applied to the 2025 eviction filings count in each region or county. It is possible that tenants facing eviction in housing court may be more likely to experience housing quality issues than the general population.
9. UHAB. "[VICTORY: Brooklyn Tenant Wins Precedent-Setting Decision in Housing Court, Using Rent Impairing Violation Defense to Wipe Away Thousands in Rent and Avoid Eviction.](#)" May 30, 2026.
10. NYC HPD "[Certification of No Harassment.](#)"
11. Policy Link, "[Rental Registries: Where is it working?](#)"
12. ChangeLab Solutions, "[A Guide to Proactive Rental Inspection Programs.](#)" 2014.
13. NYS' Lead Rental Registry applies to Albany, Amsterdam, Auburn, Binghamton, Buffalo, Cheektowaga, Elmira, Gloversville, Jamestown, Kingston, Middletown, Mount Vernon, New Rochelle, Newburgh, Niagara Falls, Poughkeepsie, Rochester, Rome, Schenectady, Spring Valley, Syracuse, Troy, Utica, Watertown, and Yonkers. More information [here](#).
14. [§30-323 Special rules for eviction proceeding](#): Filing of Residential Occupancy Permit Required. No action for eviction may be commenced without the Petitioner's having submitted to the Court a copy of the most recently-issued Residential Occupancy Permit issued according to Part 4 of Chapter 231 of this Code for the rental dwelling unit of which the Petitioner is seeking possession or an allegation that deregistration and suspension of said Residential Occupancy permit was done in violation of this Chapter.

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