

STATE OF NEW YORK

6375--A

2021-2022 Regular Sessions

IN ASSEMBLY

March 16, 2021

Introduced by M. of A. PERRY -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to designating Kings County as a cease and desist zone

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

1 Section 1. Legislative findings. To curb aggressive real estate
2 solicitation practices, the legislature enabled the secretary of state
3 to create "cease and desist zones" if owners within the zone "are
4 subject to intense and repeated solicitation" to place their property
5 for sale. A homeowner within a cease and desist zone may file a state-
6 ment with the secretary of state requesting placement on a cease and
7 desist list. No real estate broker, salesperson or other person regular-
8 ly engaged in the trade or business of buying and selling real estate
9 may solicit a listing from an owner placed on the cease and desist list.
10 The cease and desist program is a valuable tool for homeowners that
11 are inundated with solicitations for their home, and it has been a prov-
12 en success in cease and desist zones in the counties of Queens, Bronx
13 and Rockland.
14 In many neighborhoods in Kings County, long-time homeowners have been
15 the subject of increasingly aggressive real estate solicitation, espe-
16 cially in neighborhoods experiencing rapid gentrification. Solicitors
17 often use shady or illegal tactics to confuse or manipulate homeowners.
18 Many homeowners have also been the victims of deed theft, unknowingly
19 signing away their home and most valuable asset. Unfortunately, existing
20 statutory framework for establishing a cease and desist zone in these
21 neighborhoods is not working fast enough to protect homeowners in Brook-
22 lyn.
23 The legislature hereby finds and declares that due to intense and
24 repeated solicitation of owners of residential real property by real

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

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1 estate brokers, real estate salespersons, and other persons regularly
2 engaged in the trade or business of buying and selling real estate, the
3 rapid establishment of a cease and desist zone is necessary in Kings
4 County.

5 § 2. Notwithstanding any other law, rule or regulation to the contra-
6 ry, in accordance with section 442-h of the real property law, the
7 secretary of state shall conduct a public hearing and reasonable inves-
8 tigation of intense and repeated solicitation of owners of residential
9 real property in the county of Kings within ninety days of the effective
10 date of this act. If, after such public hearing and reasonable investi-
11 gation, the secretary of state finds that owners of residential real
12 property within the county of Kings, or any defined geographic area
13 therein are subject to intense and repeated solicitations by real estate
14 brokers and salespersons to place their property for sale with such real
15 estate brokers or salespersons, or otherwise to sell their property, the
16 secretary of state shall adopt a rule in accordance with subdivision 3
17 of section 442-h of the real property law establishing a cease and
18 desist zone for the county of Kings, or any defined geographic areas
19 therein subjected to such intense and repeated solicitations. The rule
20 establishing such cease and desist zone shall be effective for up to
21 five years, provided the secretary of state may re-adopt the rule to
22 continue the cease and desist zone pursuant to paragraph (c) of subdivi-
23 sion 3 of section 442-h of the real property law.

24 § 3. If, within one year of this act, the secretary of state does not
25 establish a cease and desist zone in the county of Kings, the secretary
26 of state shall prepare and submit to the governor, the temporary presi-
27 dent of the senate, the speaker of the assembly, the minority leader of
28 the senate and the minority leader of the assembly a report containing
29 the detailed findings of the public hearing and investigation.

30 § 4. This act shall take effect immediately.