

STATE OF NEW YORK

5459

2023-2024 Regular Sessions

IN ASSEMBLY

March 10, 2023

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Judiciary

AN ACT to amend the executive law and the state finance law, in relation to allocating fines imposed on real estate appraisers to the anti-discrimination in housing fund

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

1 Section 1. The opening paragraph of subdivision 1 of section 160-u of
2 the executive law, as amended by chapter 397 of the laws of 1991, is
3 amended to read as follows:

4 The rights of any holder under a state certificate as a state certi-
5 fied real estate appraiser, or a license as a state licensed real estate
6 appraiser, may be revoked or suspended, a fine not exceeding two thou-
7 sand dollars may be imposed on any holder of the certification or
8 license, provided that fifty percent of all moneys received by the
9 department of state for such fines shall be payable to the anti-discri-
10 mination in housing fund established pursuant to section eighty-a of the
11 state finance law, or the holder of the certification or license may be
12 otherwise disciplined in accordance with the provisions of this article,
13 upon any of the grounds set forth in this section. The department may
14 investigate the actions of a state certified or licensed real estate
15 appraiser, and may revoke or suspend the rights of a certificate or
16 license holder impose a fine on a certificate or license holder, or
17 otherwise discipline a state certified or licensed real estate appraiser
18 for any of the following acts or omissions:

19 § 2. Subdivision 9 of section 160-e of the executive law, as amended
20 by chapter 397 of the laws of 1991, is amended to read as follows:

21 9. To suspend and revoke certificates or licenses or impose fines
22 pursuant to the disciplinary proceedings provided for in this article.

23 § 3. Subdivision 1 of section 160-v of the executive law, as amended
24 by chapter 241 of the laws of 1999, is amended to read as follows:

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

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1 1. Before suspending or revoking any certification or license or
2 imposing any fines on a holder of a certification or license, the
3 department shall notify the state certified or licensed real estate
4 appraiser or licensed real estate appraiser assistant in writing of any
5 charges made at least twenty days prior to the date set for the hearing
6 and shall afford him or her an opportunity to be heard in person or by
7 counsel.

8 § 4. Subdivision 2 of section 160-w of the executive law, as amended
9 by chapter 241 of the laws of 1999, is amended to read as follows:

10 2. If the department determined that a state certified or licensed
11 real estate appraiser or licensed real estate appraiser assistant is
12 guilty of a violation of any of the provisions of this article, it shall
13 prepare a finding of fact and recommend that such appraiser be repri-
14 manded or that his or her certification or license be suspended or
15 revoked or that a fine be imposed. The decision and order of the depart-
16 ment shall be final.

17 § 5. Subdivisions 2 and 3 of section 80-a of the state finance law,
18 subdivision 2 as added by chapter 687 of the laws of 2021, and subdivi-
19 sion 3 as amended by chapter 89 of the laws of 2022, are amended to
20 read as follows:

21 2. The anti-discrimination in housing fund shall consist of moneys
22 appropriated thereto, moneys transferred from any other fund or sources,
23 fifty percent of all fines and forfeitures collected pursuant to subdivi-
24 vision one of section one hundred sixty-u of the executive law, and
25 fifty percent of all fines and forfeitures collected pursuant to para-
26 graph (a) of subdivision one of section four hundred forty-one-c of the
27 real property law. Nothing contained in this section shall prevent the
28 state from receiving grants, gifts or bequests for the purposes of the
29 fund as defined in this section and depositing them into the fund
30 according to law.

31 3. The moneys in the anti-discrimination in housing fund shall be kept
32 separate from and shall not be commingled with any other moneys in the
33 custody of the state comptroller. Such moneys shall be made available to
34 the office of the attorney general, for fair housing testing, including
35 but not limited to testing real estate appraisers, through allocation of
36 grants to duly applying county, city, town or village human rights
37 commissions, or other duly applying county, city, town, village or not-
38 for-profit entities specializing in the prevention of unlawful discrimi-
39 nation in housing, to detect unlawful discrimination in housing.

40 § 6. This act shall take effect immediately.