STATE OF NEW YORK

7320

2025-2026 Regular Sessions

IN SENATE

April 10, 2025

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law and the state finance law, in relation to discriminatory practices by real estate appraisers and further fair housing compliance

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

Section 1. Section 292 of the executive law is amended by adding a new subdivision 42 to read as follows:

42. The term "real estate appraisal" shall have the same meaning as in subdivision two of section one hundred sixty-a of this chapter. Provided, however, that (a) real estate appraisals subject to this article include those performed by any person or entity whose business holds itself out as engaging in residential real estate appraisals, regardless of whether or not such person or entity is certified or licensed to provide real estate appraisals pursuant to the provisions of article six-E of this chapter, and (b) for the purposes of this article, the real estate appraisal includes all oral communications and all written comments and other documents submitted as support for the estimate, opinion of value, or analysis.

§ 2. Subdivision 5 of section 296 of the executive law is amended by adding a new paragraph (h) to read as follows:

(h) It shall be an unlawful discriminatory practice for any person to discriminate against any individual in making real estate appraisal services available or to base a real estate appraisal, estimate, or opinion of value on the race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, status as a victim of domestic violence, lawful source of income, or familial status of either the prospective owners or occupants of the

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

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real property, the present owners or occupants of the real property, or the present owners or occupants of the real properties in the vicinity of the property. Nothing in this section shall prohibit a real estate appraiser from taking into consideration factors other than race, creed, color, national origin, citizenship or immigration status, sexual orientation, gender identity or expression, military status, sex, age, disability, marital status, status as a victim of domestic violence, lawful source of income, or familial status.

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

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

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

The rights of any holder under a state certificate as a state certified real estate appraiser, or a license as a state licensed real estate appraiser, may be revoked or suspended, or the holder of the certification or license may be otherwise disciplined in accordance with the provisions of this article, upon any of the grounds set forth in this section. As an alternative or in addition to such suspension or revocation, a fine not exceeding two thousand dollars may be imposed on any holder of the certification or license, provided that fifty percent of all moneys received by the department of state for such fines shall be payable to the anti-discrimination in housing fund established pursuant to section eighty-a of the state finance law. The department may investigate the actions of a state certified or licensed real estate appraiser, and may [~~revoke or suspend the rights of~~] sanction or otherwise discipline a certificate or license holder [~~or otherwise discipline a state certified or licensed real estate appraiser~~] for any of the following acts or omissions:

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

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

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

2. If the department determined that a state certified or licensed real estate appraiser or licensed real estate appraiser assistant is guilty of a violation of any of the provisions of this article, it shall prepare a finding of fact and recommend that such appraiser be reprimanded [~~or~~], that [~~his or her~~] their certification or license be suspended or revoked, and/or indicate whether a fine shall be imposed. The decision and order of the department shall be final.

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

2. The anti-discrimination in housing fund shall consist of moneys appropriated thereto, moneys transferred from any other fund or sources,

fifty percent of all fines and forfeitures collected pursuant to subdivision one of section one hundred sixty-u of the executive law, and fifty percent of all fines and forfeitures collected pursuant to paragraph (a) of subdivision one of section four hundred forty-one-c of the real property law. Nothing contained in this section shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

3. The moneys in the anti-discrimination in housing fund shall be kept separate from and shall not be commingled with any other moneys in the custody of the state comptroller. Such moneys shall be made available to the office of the attorney general, for [~~fair housing testing~~] **programs assisting with fair housing compliance, which includes, but is not limited to, fair housing testing, outreach and education on fair housing protections, addressing and investigating fair housing allegations and complaints, and addressing discrimination in appraisals, including new appraisals and appraisal review,** through allocation of grants to duly applying county, city, town or village human rights commissions, or other duly applying county, city, town, village or not-for-profit entities specializing in the prevention of unlawful discrimination in housing, to detect unlawful discrimination in housing.

§ 8. Severability. If any provision of this act, or any application of any provision of this act, is held to be invalid, that shall not affect the validity or effectiveness of any other provision of this act, or of any other application of any provision of this act, which can be given effect without that provision or application; and to that end, the provisions and applications of this act are severable.

§ 9. This act shall take effect immediately.