

5896

2009-2010 Regular Sessions

I N S E N A T E

June 18, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the real property law, in relation to distressed property consultants advertisements

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 265-b of the real property law is amended by adding
2 a new subdivision 5 to read as follows:
3 5. DISTRESSED PROPERTY CONSULTANTS ADVERTISEMENTS. (A) IN NEW YORK
4 STATE, ALL ADVERTISEMENTS DISSEMINATED BY A DISTRESSED PROPERTY CONSULT-
5 ANT AS DEFINED IN THIS SECTION MUST INCLUDE THE FOLLOWING DISCLAIMER:
6 IN NEW YORK STATE APPROVED HOUSING COUNSELORS PROVIDE SIMILAR SERVICES
7 FOR FREE. A LIST OF HOUSING COUNSELORS MAY BE FOUND ON THE WEBSITE OF
8 THE NEW YORK STATE BANKING DEPARTMENT, WWW.BANKING.STATE.NY.US OR BY
9 CALLING THE BANKING DEPARTMENT TOLL-FREE AT 1-877-BANK-NYS
10 (1-877-226-5697). YOU ARE ADVISED TO CONSULT WITH AN APPROVED HOUSING
11 COUNSELOR BEFORE SIGNING ANY CONTRACT.
12 (B) ADVERTISEMENTS INCLUDE, BUT ARE NOT LIMITED TO, PRINTED MATERIALS,
13 RADIO SCRIPTS, TELEVISION SCRIPTS, LEAFLETS, FORM LETTERS, PREPARED
14 SALES TALKS, AND PRESENTATIONS. ALL COMMONLY RECOGNIZED MARKETING MEDIA
15 ARE CONSIDERED ADVERTISEMENTS.
16 (C) THE PROVISIONS OF THIS SECTION APPLY TO ANY ADVERTISEMENTS
17 INTENDED FOR PRESENTATION, DISTRIBUTION OR DISSEMINATION IN NEW YORK
18 STATE WHEN SUCH PRESENTATION, DISTRIBUTION OR DISSEMINATION IS MADE
19 EITHER DIRECTLY OR INDIRECTLY BY OR ON BEHALF OF A DISTRESSED PROPERTY
20 CONSULTANT AS DEFINED IN THIS SECTION. EVERY DISTRESSED PROPERTY
21 CONSULTANT WHO DOES BUSINESS IN THE STATE OF NEW YORK SHALL ESTABLISH
22 AND AT ALL TIMES MAINTAIN CONTROL OVER THE CONTENT, FORM AND METHOD OF
23 DISSEMINATION OF ALL ADVERTISEMENTS OF ITS SERVICES.
24 (D) ADVERTISEMENTS SHALL BE SUFFICIENTLY COMPLETE AND CLEAR TO AVOID
25 DECEPTION OR THE CAPACITY OR TENDENCY TO MISLEAD OR DECEIVE.
26 S 2. This act shall take effect immediately.

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

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