

STATE OF NEW YORK

11107

IN ASSEMBLY

November 6, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Jean-Pierre)
-- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to establishing a paired testing program and a compliance fee; and to amend the state finance law, in relation to establishing the paired testing program fund

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

1 Section 1. The real property law is amended by adding a new section
2 441-g to read as follows:

3 § 441-g. Paired testing program. 1. For the purpose of this section,
4 "paired testing" shall mean a test in which two testers assume the role
5 of applicants with equivalent social and economic characteristics who
6 differ only in terms of the characteristic being tested for discrimi-
7 nation, such as but not limited to, race, disability status, or marital
8 status.

9 2. The commissioner of the division of human rights shall develop a
10 paired testing program to determine if any real estate broker, real
11 estate salesperson or employee or agent thereof are using unlawful
12 discriminatory practices as defined in paragraph (c) of subdivision five
13 of section two hundred ninety-six of the executive law.

14 3. (a) Any real estate broker, real estate salesperson or employee or
15 agent thereof found using unlawful discriminatory practices as defined
16 in paragraph (c) of subdivision five of section two hundred ninety-six
17 of the executive law shall be subject to a fine in an amount to be
18 determined by the commissioner of the division of human rights.

19 (b) In addition to any fine imposed pursuant to paragraph (a) of this
20 subdivision a real estate broker or real estate salesperson licensed
21 pursuant to this article may have his or her license revoked or
22 suspended pursuant to section four hundred forty-one-c of this article.

23 4. Monies collected from any fine imposed pursuant to subdivision
24 three of this section shall be deposited in the paired testing program
25 fund established pursuant to section ninety-nine-hh of the state finance
26 law.

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

LBD14438-01-9

1 5. Such fines as described in subdivision three of this section shall
2 be in addition to any other fine or penalty pursuant to law.

3 6. The commissioner of the division of human rights is authorized to
4 promulgate rules and regulations to carry out the administration of the
5 paired testing program as set forth in this section.

6 § 2. The state finance law is amended by adding a new section 99-hh to
7 read as follows:

8 § 99-hh. Paired testing program fund. 1. There is hereby established
9 in the joint custody of the state comptroller and the commissioner of
10 taxation and finance in consultation with the commissioner of the divi-
11 sion of human rights, a fund to be known as the "paired testing program
12 fund".

13 2. The paired testing program fund shall consist of all fines and
14 forfeitures collected pursuant to section four hundred forty-one-g of
15 the real property law, compliance fees collected pursuant to subdivision
16 one-B of section four hundred forty-one-b of the real property law and
17 all other moneys appropriated, credited or transferred thereto from any
18 other fund or source pursuant to law. Nothing contained in this section
19 shall prevent the state from receiving grants, gifts or bequests for the
20 purposes of the fund as defined in this section and depositing them into
21 the fund according to law.

22 3. The commissioner of the division of human rights shall use monies
23 in the fund for the administration of the paired testing program estab-
24 lished pursuant to section four hundred forty-one-g of the real property
25 law.

26 § 3. Section 441-b of the real property law is amended by adding a new
27 subdivision 1-B to read as follows:

28 1-B. In addition to the fee for a license issued or reissued under the
29 provisions of this article entitling a person, co-partnership, limited
30 liability company or corporation to act as a real estate broker or enti-
31 tling a person to act as a real estate salesman there shall be a compli-
32 ance fee in an amount to be determined by the commissioner of the divi-
33 sion of human rights. Notwithstanding any provision of law to the
34 contrary all such compliance fees collected shall be deposited into the
35 paired testing program fund established pursuant to section ninety-nine-
36 hh of the state finance law.

37 § 4. This act shall take effect on the ninetieth day after it shall
38 have become a law. Effective immediately, the addition, amendment
39 and/or repeal of any rule or regulation necessary for the implementation
40 of this act on its effective date are authorized to be made and
41 completed on or before such effective date.