

STATE OF NEW YORK

6786--A

2019-2020 Regular Sessions

IN ASSEMBLY

March 20, 2019

Introduced by M. of A. PERRY -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to designate certain zip codes as cease and desist zones

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.

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

LBD06112-03-0

1 The legislature hereby finds and declares that due to intense and
2 repeated solicitation of owners of residential real property by real
3 estate brokers, real estate salespersons, and other persons regularly
4 engaged in the trade or business of buying and selling real estate, the
5 rapid establishment of a cease and desist zone is necessary in the
6 following zip codes: 11203, 11210, 11212, 11215, 11217, 11218, 11219,
7 11225, 11226, 11230, 11232, 11234, 11236 and 11238.

8 § 2. Notwithstanding any other law, rule or regulation to the contra-
9 ry, the secretary of state shall establish by rule a cease and desist
10 zone, pursuant to subdivision 3 of section 442-h of the real property
11 law, consisting of the following zip codes within ninety days of the
12 effective date of this act: 11203, 11210, 11212, 11215, 11217, 11218,
13 11219, 11225, 11226, 11230, 11232, 11234, 11236 and 11238. The rule
14 establishing such cease and desist zone shall be effective for five
15 years, provided the secretary of state may re-adopt the rule to continue
16 the cease and desist zone pursuant to paragraph (c) of subdivision 3 of
17 section 442-h of the real property law.

18 § 3. This act shall take effect immediately.