

STATE OF NEW YORK

7852--A

IN SENATE

February 26, 2020

Introduced by Sen. GAUGHRAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law and the state finance law, in relation to allocating fines 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. Paragraph (a) of subdivision 1 of section 441-c of the real
2 property law, as amended by chapter 81 of the laws of 1995, is amended
3 to read as follows:

4 (a) The department of state may revoke the license of a real estate
5 broker or salesman or suspend the same, for such period as the depart-
6 ment may deem proper, or in lieu thereof may impose a fine not exceeding
7 ~~[one]~~ two thousand dollars payable to the department of state, twenty-
8 five percent of all moneys received by the department of state shall be
9 payable to the county human rights commission, or in the case of a coun-
10 ty wholly contained within a city, the city human rights commission, in
11 the county where the violation occurred and twenty-five percent of all
12 moneys received by the department of state shall be payable to the anti-
13 discrimination in housing fund established pursuant to section eighty-a
14 of the state finance law, or a reprimand upon conviction of the licensee
15 of a violation of any provision of this article, or for a material
16 misstatement in the application for such license, or if such licensee
17 has been guilty of fraud or fraudulent practices, or for dishonest or
18 misleading advertising, or has demonstrated untrustworthiness or incom-
19 petency to act as a real estate broker or salesman, as the case may be.
20 Provided however, if the county where the violation occurred does not
21 have a county human rights commission, then the portion of monies that
22 would have been payable to the county human rights commission shall
23 instead be deposited in the anti-discrimination in housing fund estab-
24 lished pursuant to article eighty-a of the state finance law. Provided
25 further, that in the event that the jurisdiction where the violation

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

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1 occurred, as determined by the department of state, has both a county
2 human rights commission and a city, town or village human rights commis-
3 sion, the portion of money due to the county human rights commission
4 shall be split equally between the county and city, town or village
5 commission. In the case of a real estate broker engaged in the business
6 of a tenant relocater, untrustworthiness or incompetency shall include
7 engaging in any course of conduct including, but not limited to, the
8 interruption or discontinuance of essential building service, that
9 interferes with or disturbs the peace, comfort, repose and quiet enjoy-
10 ment of a tenant.

11 § 2. The state finance law is amended by adding a new section 80-a to
12 read as follows:

13 § 80-a. Anti-discrimination in housing fund. 1. There is hereby estab-
14 lished in the custody of the state comptroller a special fund to be
15 known as the "anti-discrimination in housing fund".

16 2. The anti-discrimination in housing fund shall consist of moneys
17 appropriated thereto, funds transferred from any other fund or sources,
18 and twenty-five percent of all fines and forfeitures collected pursuant
19 to section four hundred forty-one-c of the real property law. Nothing
20 contained in this section shall prevent the state from receiving grants,
21 gifts or bequests for the purposes of the fund as defined in this
22 section and depositing them into the fund according to law.

23 3. The moneys in the anti-discrimination in housing fund shall be kept
24 separate from and shall not be commingled with any other moneys in the
25 custody of the state comptroller. Such moneys shall be made available to
26 the commissioner of the division of human rights to allocate and expend
27 solely for grants for duly applying not-for-profit agencies specializing
28 in the prevention of unlawful discrimination in housing.

29 4. The commissioner of the division of human rights shall establish
30 the application criteria for such not-for-profit agencies for the
31 purposes of the fund as defined in this section.

32 5. The monies shall be payable from the fund on the audit and warrant
33 of the comptroller on vouchers approved and certified by the commission-
34 er of the division of human rights.

35 § 3. This act shall take effect on the sixtieth day after it shall
36 have become a law.