

STATE OF NEW YORK

5458--A

2019-2020 Regular Sessions

IN SENATE

May 1, 2019

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the real property law, in relation to sale or rent of illegally converted dwellings

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
2 443-b to read as follows:

3 § 443-b. Sale or rent of property violating illegal conversion rules.
4 No real estate broker, agent or salesman shall list for sale, sell or
5 offer to sell, or list for rent, rent or offer to rent any illegally
6 converted dwelling. For the purposes of this section, an illegal conver-
7 sion shall mean any change in the structural parts or existing facili-
8 ties of any building, including, but not limited to, the subdivision of
9 rooms, or erection or demolition of walls, or the moving of any building
10 from one location or position to another, in violation of any state or
11 local law, ordinance, code or rule or regulation relating to real prop-
12 erty, buildings or multiple dwellings.

13 § 2. Paragraph (a) of subdivision 1 of section 441-c of the real prop-
14 erty law, as amended by chapter 81 of the laws of 1995, is amended to
15 read as follows:

16 (a) The department of state may revoke the license of a real estate
17 broker or salesman or suspend the same, for such period as the depart-
18 ment may deem proper, or in lieu thereof may impose a fine not exceeding
19 one thousand dollars payable to the department of state, or a reprimand
20 upon conviction of the licensee of a violation of any provision of this
21 article, or for a material misstatement in the application for such
22 license, or if such licensee has been guilty of fraud or fraudulent

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

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1 practices, or for dishonest or misleading advertising, or has demon-
2 strated untrustworthiness or incompetency to act as a real estate broker
3 or salesman, as the case may be. Upon a finding that a broker, agent or
4 salesman has violated the provisions of section four hundred forty-
5 three-b of this article, the department shall impose a fine of ten thou-
6 sand dollars for a first violation and a fine of fifteen thousand
7 dollars for a second violation. Upon a third violation of such section
8 the department shall revoke the license issued under this article. In
9 the case of a real estate broker engaged in the business of a tenant
10 relocater, untrustworthiness or incompetency shall include engaging in
11 any course of conduct including, but not limited to, the interruption or
12 discontinuance of essential building service, that interferes with or
13 disturbs the peace, comfort, repose and quiet enjoyment of a tenant.

14 § 3. This act shall take effect immediately.