

STATE OF NEW YORK

6866

2021-2022 Regular Sessions

IN ASSEMBLY

April 13, 2021

Introduced by M. of A. JEAN-PIERRE -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law and the state finance law, in relation to establishing the anti-discrimination in housing fund and allocating moneys from fines thereto

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 131 of the laws of 2020, 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, provided
8 that fifty percent of all moneys received by the department of state for
9 such fines shall be payable to the anti-discrimination in housing fund
10 established pursuant to section eighty-a of the state finance law, or a
11 reprimand upon conviction of the licensee of a violation of any
12 provision of this article, or for a material misstatement in the appli-
13 cation for such license, or if such licensee has been guilty of fraud or
14 fraudulent practices, or for dishonest or misleading advertising, or has
15 demonstrated untrustworthiness or incompetency to act as a real estate
16 broker or salesman, or for a violation of article fifteen of the execu-
17 tive law committed in his or her capacity as a real estate broker or
18 salesman, as the case may be. In the case of a real estate broker
19 engaged in the business of a tenant relocater, untrustworthiness or
20 incompetency shall include engaging in any course of conduct including,
21 but not limited to, the interruption or discontinuance of essential
22 building service, that interferes with or disturbs the peace, comfort,
23 repose and quiet enjoyment of a tenant.

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

LBD03803-04-1

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

3 § 80-a. Anti-discrimination in housing fund. 1. There is hereby estab-
4 lished in the custody of the state comptroller a special fund to be
5 known as the "anti-discrimination in housing fund".

6 2. The anti-discrimination in housing fund shall consist of moneys
7 appropriated thereto, moneys transferred from any other fund or sources,
8 and fifty percent of all fines and forfeitures collected pursuant to
9 paragraph (a) of subdivision one of section four hundred forty-one-c of
10 the real property law. Nothing contained in this section shall prevent
11 the state from receiving grants, gifts or bequests for the purposes of
12 the fund as defined in this section and depositing them into the fund
13 according to law.

14 3. The moneys in the anti-discrimination in housing fund shall be kept
15 separate from and shall not be commingled with any other moneys in the
16 custody of the state comptroller. Such moneys shall be made available to
17 the office of the attorney general, for fair housing testing and allo-
18 cation of grants to duly applying county, city, town or village human
19 rights commissions, or other duly applying county, city, town, village
20 or not-for-profit agencies specializing in the prevention of unlawful
21 discrimination in housing.

22 4. The attorney general shall establish the application criteria for
23 such not-for-profit agencies for the purposes of the fund as defined in
24 this section.

25 5. The monies shall be payable from the fund on the audit and warrant
26 of the comptroller on vouchers approved and certified by the attorney
27 general.

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