

STATE OF NEW YORK

2929--B

Cal. No. 526

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sens. PARKER, MYRIE, PERSAUD -- 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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT in relation to designating Kings County as a cease and desist zone

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

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

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1 statutory framework for establishing a cease and desist zone in these
2 neighborhoods is not working fast enough to protect homeowners in Brook-
3 lyn.

4 The legislature hereby finds and declares that due to intense and
5 repeated solicitation of owners of residential real property by real
6 estate brokers, real estate salespersons, and other persons regularly
7 engaged in the trade or business of buying and selling real estate, the
8 rapid establishment of a cease and desist zone is necessary in Kings
9 County.

10 § 2. Notwithstanding any other law, rule or regulation to the contra-
11 ry, in accordance with section 442-h of the real property law, the
12 secretary of state shall conduct a public hearing and reasonable inves-
13 tigation of intense and repeated solicitation of owners of residential
14 real property in the county of Kings within ninety days of the effective
15 date of this act. If, after such public hearing and reasonable investi-
16 gation, the secretary of state finds that owners of residential real
17 property within the county of Kings, or any defined geographic area
18 therein are subject to intense and repeated solicitations by real estate
19 brokers and salespersons to place their property for sale with such real
20 estate brokers or salespersons, or otherwise to sell their property, the
21 secretary of state shall adopt a rule in accordance with subdivision 3
22 of section 442-h of the real property law establishing a cease and
23 desist zone for the county of Kings, or any defined geographic areas
24 therein subjected to such intense and repeated solicitations. The rule
25 establishing such cease and desist zone shall be effective for up to
26 five years, provided the secretary of state may re-adopt the rule to
27 continue the cease and desist zone pursuant to paragraph (c) of subdivi-
28 sion 3 of section 442-h of the real property law.

29 § 3. If, within one year of this act, the secretary of state does not
30 establish a cease and desist zone in the county of Kings, the secretary
31 of state shall prepare and submit to the governor, the temporary presi-
32 dent of the senate, the speaker of the assembly, the minority leader of
33 the senate and the minority leader of the assembly a report containing
34 the detailed findings of the public hearing and investigation.

35 § 4. This act shall take effect immediately.