STATE OF NEW YORK

945

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. GAUGHRAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

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:

Section 1. Paragraph (a) of subdivision 1 of section 441-c of the real property law, as amended by chapter 131 of the laws of 2020, is amended to read as follows:

(a) The department of state may revoke the license of a real estate broker or salesman or suspend the same, for such period as the department may deem proper, or in lieu thereof may impose a fine not exceeding [~~one~~] **two** thousand dollars payable to the department of state, **twenty-five percent of all moneys received by the department of state shall be payable to the county human rights commission, or in the case of a county wholly contained within a city, the city human rights commission, in the county where the violation occurred and twenty-five percent of all moneys received by the department of state shall be payable to the anti-discrimination in housing fund established pursuant to section eighty-a of the state finance law,** or a reprimand upon conviction of the licensee of a violation of any provision of this article, or for a material misstatement in the application for such license, or if such licensee has been guilty of fraud or fraudulent practices, or for dishonest or misleading advertising, or has demonstrated untrustworthiness or incompetency to act as a real estate broker or salesman, or for a violation of article fifteen of the executive law committed in his or her capacity as a real estate broker or salesman, as the case may be. **Provided however, if the county where the violation occurred does not have a county human rights commission, then the portion of monies that would**

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

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have been payable to the county human rights commission shall instead be deposited in the anti-discrimination in housing fund established pursuant to section eighty-a of the state finance law. Provided further, that in the event that the jurisdiction where the violation occurred, as determined by the department of state, has both a county human rights commission and a city, town or village human rights commission, the portion of money due to the county human rights commission shall be split equally between the county and city, town or village commission. In the case of a real estate broker engaged in the business of a tenant relocator, untrustworthiness or incompetency shall include engaging in any course of conduct including, but not limited to, the interruption or discontinuance of essential building service, that interferes with or disturbs the peace, comfort, repose and quiet enjoyment of a tenant.

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

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

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

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

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

5. The monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the commissioner of the division of human rights.

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