STATE OF NEW YORK

945--B

Cal. No. 226

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. GAUGHRAN, KAPLAN -- 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 and committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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, **provided that fifty percent of all moneys received by the department of state for such fines 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. In the case of a real estate broker

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

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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, moneys transferred from any other fund or sources, and fifty percent of all fines and forfeitures collected pursuant to paragraph (a) of subdivision one of 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 office of the attorney general, for fair housing testing and allocation of grants to duly applying county, city, town or village human rights commissions, or other duly applying county, city, town, village or not-for-profit agencies specializing in the prevention of unlawful discrimination in housing.

4. The attorney general 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 attorney general.

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