STATE OF NEW YORK

6375--A

2021-2022 Regular Sessions

IN ASSEMBLY

March 16, 2021

Introduced by M. of A. PERRY -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Legislative findings. To curb aggressive real estate solicitation practices, the legislature enabled the secretary of state to create "cease and desist zones" if owners within the zone "are subject to intense and repeated solicitation" to place their property for sale. A homeowner within a cease and desist zone may file a statement with the secretary of state requesting placement on a cease and desist list. No real estate broker, salesperson or other person regularly engaged in the trade or business of buying and selling real estate may solicit a listing from an owner placed on the cease and desist list.

The cease and desist program is a valuable tool for homeowners that are inundated with solicitations for their home, and it has been a proven success in cease and desist zones in the counties of Queens, Bronx and Rockland.

In many neighborhoods in Kings County, long-time homeowners have been the subject of increasingly aggressive real estate solicitation, especially in neighborhoods experiencing rapid gentrification. Solicitors often use shady or illegal tactics to confuse or manipulate homeowners. Many homeowners have also been the victims of deed theft, unknowingly signing away their home and most valuable asset. Unfortunately, existing statutory framework for establishing a cease and desist zone in these neighborhoods is not working fast enough to protect homeowners in Brooklyn.

The legislature hereby finds and declares that due to intense and repeated solicitation of owners of residential real property by real

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

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estate brokers, real estate salespersons, and other persons regularly engaged in the trade or business of buying and selling real estate, the rapid establishment of a cease and desist zone is necessary in Kings County.

§ 2. Notwithstanding any other law, rule or regulation to the contrary, in accordance with section 442-h of the real property law, the secretary of state shall conduct a public hearing and reasonable investigation of intense and repeated solicitation of owners of residential real property in the county of Kings within ninety days of the effective date of this act. If, after such public hearing and reasonable investigation, the secretary of state finds that owners of residential real property within the county of Kings, or any defined geographic area therein are subject to intense and repeated solicitations by real estate brokers and salespersons to place their property for sale with such real estate brokers or salespersons, or otherwise to sell their property, the secretary of state shall adopt a rule in accordance with subdivision 3 of section 442-h of the real property law establishing a cease and desist zone for the county of Kings, or any defined geographic areas therein subjected to such intense and repeated solicitations. The rule establishing such cease and desist zone shall be effective for up to five years, provided the secretary of state may re-adopt the rule to continue the cease and desist zone pursuant to paragraph (c) of subdivision 3 of section 442-h of the real property law.

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

§ 4. This act shall take effect immediately.