

# STATE OF NEW YORK

2525--A

Cal. No. 233

2021-2022 Regular Sessions

## IN SENATE

January 21, 2021

Introduced by Sens. KAVANAGH, KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- 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, in relation to requiring the secretary of state to require that real estate brokers and salespersons compile and disclose certain demographic information

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The real property law is amended by adding a new section 442-m to read as follows:

§ 442-m. Collection and disclosure of demographic information. 1. (a) Every real estate broker or salesperson licensed in this state shall request, in a manner consistent with any regulations adopted by the secretary of state, the voluntarily disclosure of demographic information from each client of such broker or salesperson who is a prospective home purchaser, including the full name, race, ethnicity and gender of each such client, and other demographic information as the secretary of state may determine is necessary, and shall record and retain such information for a period of two years; provided that the client's production of or refusal to produce such information shall not affect the provision of services to the client.

(b) For each such client, such broker or salesperson shall record the results of the services provided by such broker or salesperson in this state, including properties listed, properties shown, the location of such properties, and the disposition of every offer received by such broker with respect to a transaction, including whether the offer was accepted or rejected and whether a closing occurred, and shall retain such information for a period of two years.

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

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1     (c) Every such broker or salesperson shall submit, or cause to be  
2     submitted through a brokerage business with which such broker or sales-  
3     person is associated, a summary of the information recorded pursuant to  
4     this subdivision to the department of state in a manner prescribed by  
5     the secretary of state. Such submission shall be due annually by the  
6     first day of March for the preceding calendar year.

7     2. The secretary of state shall establish and maintain a database of  
8     all information submitted pursuant to subdivision one of this section  
9     and shall make such data available to the governor, the attorney gener-  
10    al, the temporary president of the senate, and the speaker of the assem-  
11    bly upon request. All such data shall be maintained in a format that can  
12    be searched by location, by real estate broker or salesperson, and by  
13    any brokerage business with which such broker or salesperson may be  
14    associated. Such database shall not be disclosed to a member of the  
15    public unless the data has been anonymized to protect the identity of  
16    the clients.

17    3. The secretary of state shall issue an annual report to the gover-  
18    nor, the attorney general, the temporary president of the senate, and  
19    the speaker of the assembly, and make such report available on the  
20    public website of the department of state, on the aggregate demographic  
21    data of clients and the results of services reported pursuant to subdi-  
22    vision one of this section. Such report shall be due by the first day of  
23    May of each year and shall cover clients served by brokers or salesper-  
24    sons during the preceding calendar year and any other information or  
25    analysis that the secretary of state may determine appropriate. Such  
26    report shall not include the identity of any client without such  
27    client's consent.

28    § 2. This act shall take effect on the ninetieth day after it shall  
29    have become a law. Effective immediately, the adoption, amendment and/or  
30    repeal of any rule or regulation necessary for the implementation of  
31    this act on its effective date is authorized to be made on or before  
32    such date.