STATE OF NEW YORK

2929

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

AN ACT to designate certain zip codes as cease and desist zones

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 estate brokers, real estate salespersons, and other persons regularly

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

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engaged in the trade or business of buying and selling real estate, the rapid establishment of a cease and desist zone is necessary in the following zip codes: 11203, 11210, 11212, 11215, 11217, 11218, 11219, 11225, 11226, 11230, 11232, 11234, 11236 and 11238.

§ 2. Notwithstanding any other law, rule or regulation to the contrary, the secretary of state shall establish by rule a cease and desist zone, pursuant to subdivision 3 of section 442-h of the real property law, consisting of the following zip codes within ninety days of the effective date of this act: 11203, 11210, 11212, 11215, 11217, 11218, 11219, 11225, 11226, 11230, 11232, 11234, 11236 and 11238. The rule establishing such cease and desist zone shall be effective for 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. This act shall take effect immediately.