STATE OF NEW YORK

2919

2023-2024 Regular Sessions

IN SENATE

January 25, 2023

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

AN ACT to amend the executive law and the state finance law, in relation to allocating fines imposed on real estate appraisers 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. The opening paragraph of subdivision 1 of section 160-u of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

The rights of any holder under a state certificate as a state certified real estate appraiser, or a license as a state licensed real estate appraiser, may be revoked or suspended, **a fine not exceeding two thousand dollars may be imposed on any holder of the certification or license, 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 the holder of the certification or license may be otherwise disciplined in accordance with the provisions of this article, upon any of the grounds set forth in this section. The department may investigate the actions of a state certified or licensed real estate appraiser, and may revoke or suspend the rights of a certificate or license holder **impose a fine on a certificate or license holder,** or otherwise discipline a state certified or licensed real estate appraiser for any of the following acts or omissions:

§ 2. Subdivision 9 of section 160-e of the executive law, as amended by chapter 397 of the laws of 1991, is amended to read as follows:

9. To suspend and revoke certificates or licenses **or impose fines** pursuant to the disciplinary proceedings provided for in this article.

§ 3. Subdivision 1 of section 160-v of the executive law, as amended by chapter 241 of the laws of 1999, is amended to read as follows:

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

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1. Before suspending or revoking any certification or license **or imposing any fines on a holder of a certification or license**, the department shall notify the state certified or licensed real estate appraiser or licensed real estate appraiser assistant in writing of any charges made at least twenty days prior to the date set for the hearing and shall afford him or her an opportunity to be heard in person or by counsel.

§ 4. Subdivision 2 of section 160-w of the executive law, as amended by chapter 241 of the laws of 1999, is amended to read as follows:

2. If the department determined that a state certified or licensed real estate appraiser or licensed real estate appraiser assistant is guilty of a violation of any of the provisions of this article, it shall prepare a finding of fact and recommend that such appraiser be reprimanded or that his or her certification or license be suspended or revoked **or that a fine be imposed**. The decision and order of the department shall be final.

§ 5. Subdivisions 2 and 3 of section 80-a of the state finance law, subdivision 2 as added by chapter 687 of the laws of 2021, and subdivision 3 as amended by chapter 89 of the laws of 2022, are amended to read as follows:

2. The anti-discrimination in housing fund shall consist of moneys appropriated thereto, moneys transferred from any other fund or sources, **fifty percent of all fines and forfeitures collected pursuant to subdivision one of section one hundred sixty-u of the executive law,** 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**, including but not limited to testing real estate appraisers,** through 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 entities specializing in the prevention of unlawful discrimination in housing, to detect unlawful discrimination in housing.

§ 6. This act shall take effect immediately.