# STATE OF NEW YORK

5840

2023-2024 Regular Sessions

# IN SENATE

March 20, 2023

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

AN ACT to amend the real property law, in relation to establishing a paired testing program and a compliance fee; and to amend the state finance law, in relation to establishing the paired testing program fund

**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 441-g to read as follows:

**§ 441-g. Paired testing program. 1. For the purpose of this section, "paired testing" shall mean a test in which two testers assume the role of applicants with equivalent social and economic characteristics who differ only in terms of the characteristic being tested for discrimination, such as but not limited to, race, disability status, or marital status.**

**2. The commissioner of the division of human rights shall develop a paired testing program to determine if any real estate broker, real estate salesperson or employee or agent thereof are using unlawful discriminatory practices as defined in paragraph (c) of subdivision five of section two hundred ninety-six of the executive law.**

**3. (a) Any real estate broker, real estate salesperson or employee or agent thereof found using unlawful discriminatory practices as defined in paragraph (c) of subdivision five of section two hundred ninety-six of the executive law shall be subject to a fine in an amount to be determined by the commissioner of the division of human rights.**

**(b) In addition to any fine imposed pursuant to paragraph (a) of this subdivision a real estate broker or real estate salesperson licensed pursuant to this article may have his or her license revoked or suspended pursuant to section four hundred forty-one-c of this article.**

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

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4. Monies collected from any fine imposed pursuant to subdivision three of this section shall be deposited in the paired testing program fund established pursuant to section ninety-nine-qq of the state finance law.

5. Such fines as described in subdivision three of this section shall be in addition to any other fine or penalty pursuant to law.

6. The commissioner of the division of human rights is authorized to promulgate rules and regulations to carry out the administration of the paired testing program as set forth in this section.

§ 2. The state finance law is amended by adding a new section 99-qq to read as follows:

§ 99-qq. Paired testing program fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance in consultation with the commissioner of the division of human rights, a fund to be known as the "paired testing program fund".

2. The paired testing program fund shall consist of all fines and forfeitures collected pursuant to section four hundred forty-one-g of the real property law, compliance fees collected pursuant to subdivision one-B of section four hundred forty-one-b of the real property law and all other moneys appropriated, credited or transferred thereto from any other fund or source pursuant to 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 commissioner of the division of human rights shall use monies in the fund for the administration of the paired testing program established pursuant to section four hundred forty-one-g of the real property law.

§ 3. Section 441-b of the real property law is amended by adding a new subdivision 1-B to read as follows:

1-B. In addition to the fee for a license issued or reissued under the provisions of this article entitling a person, co-partnership, limited liability company or corporation to act as a real estate broker or entitling a person to act as a real estate salesman there shall be a compliance fee in an amount to be determined by the commissioner of the division of human rights. Notwithstanding any provision of law to the contrary all such compliance fees collected shall be deposited into the paired testing program fund established pursuant to section ninety-nine-qq of the state finance law.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.