

STATE OF NEW YORK

7320

2025-2026 Regular Sessions

IN SENATE

April 10, 2025

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the executive law and the state finance law, in relation to discriminatory practices by real estate appraisers and further fair housing compliance

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

1 Section 1. Section 292 of the executive law is amended by adding a new
2 subdivision 42 to read as follows:

3 42. The term "real estate appraisal" shall have the same meaning as in
4 subdivision two of section one hundred sixty-a of this chapter.
5 Provided, however, that (a) real estate appraisals subject to this arti-
6 cle include those performed by any person or entity whose business holds
7 itself out as engaging in residential real estate appraisals, regardless
8 of whether or not such person or entity is certified or licensed to
9 provide real estate appraisals pursuant to the provisions of article
10 six-E of this chapter, and (b) for the purposes of this article, the
11 real estate appraisal includes all oral communications and all written
12 comments and other documents submitted as support for the estimate,
13 opinion of value, or analysis.

14 § 2. Subdivision 5 of section 296 of the executive law is amended by
15 adding a new paragraph (h) to read as follows:

16 (h) It shall be an unlawful discriminatory practice for any person to
17 discriminate against any individual in making real estate appraisal
18 services available or to base a real estate appraisal, estimate, or
19 opinion of value on the race, creed, color, national origin, citizen-
20 ship or immigration status, sexual orientation, gender identity or
21 expression, military status, sex, age, disability, marital status,
22 status as a victim of domestic violence, lawful source of income, or
23 familial status of either the prospective owners or occupants of the

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

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1 real property, the present owners or occupants of the real property, or
2 the present owners or occupants of the real properties in the vicinity
3 of the property. Nothing in this section shall prohibit a real estate
4 appraiser from taking into consideration factors other than race, creed,
5 color, national origin, citizenship or immigration status, sexual orien-
6 tation, gender identity or expression, military status, sex, age, disa-
7 bility, marital status, status as a victim of domestic violence, lawful
8 source of income, or familial status.

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

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

13 § 4. The opening paragraph of subdivision 1 of section 160-u of the
14 executive law, as amended by chapter 397 of the laws of 1991, is amended
15 to read as follows:

16 The rights of any holder under a state certificate as a state certi-
17 fied real estate appraiser, or a license as a state licensed real estate
18 appraiser, may be revoked or suspended, or the holder of the certif-
19 ication or license may be otherwise disciplined in accordance with the
20 provisions of this article, upon any of the grounds set forth in this
21 section. As an alternative or in addition to such suspension or revoca-
22 tion, a fine not exceeding two thousand dollars may be imposed on any
23 holder of the certification or license, provided that fifty percent of
24 all moneys received by the department of state for such fines shall be
25 payable to the anti-discrimination in housing fund established pursuant
26 to section eighty-a of the state finance law. The department may inves-
27 tigate the actions of a state certified or licensed real estate
28 appraiser, and may [~~revoke or suspend the rights of~~] sanction or other-
29 wise discipline a certificate or license holder [~~or otherwise discipline~~
30 ~~a state certified or licensed real estate appraiser~~] for any of the
31 following acts or omissions:

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

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

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

44 2. If the department determined that a state certified or licensed
45 real estate appraiser or licensed real estate appraiser assistant is
46 guilty of a violation of any of the provisions of this article, it shall
47 prepare a finding of fact and recommend that such appraiser be reprim-
48 manded [~~or~~], that [~~his or her~~] their certification or license be
49 suspended or revoked, and/or indicate whether a fine shall be imposed.
50 The decision and order of the department shall be final.

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

55 2. The anti-discrimination in housing fund shall consist of moneys
56 appropriated thereto, moneys transferred from any other fund or sources,

1 fifty percent of all fines and forfeitures collected pursuant to subdivi-
2 vision one of section one hundred sixty-u of the executive law, and
3 fifty percent of all fines and forfeitures collected pursuant to para-
4 graph (a) of subdivision one of section four hundred forty-one-c of the
5 real property law. Nothing contained in this section shall prevent the
6 state from receiving grants, gifts or bequests for the purposes of the
7 fund as defined in this section and depositing them into the fund
8 according to law.

9 3. The moneys in the anti-discrimination in housing fund shall be kept
10 separate from and shall not be commingled with any other moneys in the
11 custody of the state comptroller. Such moneys shall be made available to
12 the office of the attorney general, for [~~fair housing testing~~] programs
13 assisting with fair housing compliance, which includes, but is not
14 limited to, fair housing testing, outreach and education on fair housing
15 protections, addressing and investigating fair housing allegations and
16 complaints, and addressing discrimination in appraisals, including new
17 appraisals and appraisal review, through allocation of grants to duly
18 applying county, city, town or village human rights commissions, or
19 other duly applying county, city, town, village or not-for-profit enti-
20 ties specializing in the prevention of unlawful discrimination in hous-
21 ing, to detect unlawful discrimination in housing.

22 § 8. Severability. If any provision of this act, or any application of
23 any provision of this act, is held to be invalid, that shall not affect
24 the validity or effectiveness of any other provision of this act, or of
25 any other application of any provision of this act, which can be given
26 effect without that provision or application; and to that end, the
27 provisions and applications of this act are severable.

28 § 9. This act shall take effect immediately.