



NEW YORK STATE SENATOR

Tony Avella

Senator Avella Introduces “Cease and Desist” Bill to Combat Unwanted Real Estate Solicitations

TONY AVELLA November 6, 2014



(BAYSIDE, Queens) In response to resident complaints throughout the district, today State Senator Tony Avella joined civic leaders and residents to announce that he will introduce a new bill to stop unwanted real estate solicitation. The "Cease and Desist" bill, which will provide all Queens homeowners the choice to “opt-out” of receiving unwanted real estate solicitation at their homes, will be filed with the New York State Senate as part of the new legislative session.

Currently, New York State law provides for the creation of a “cease and desist” list that allows only certain neighborhoods deemed eligible by the State to be “cease and desist” areas. As part of this process, residents are able to, by demonstrating excessive distribution of real estate solicitations throughout their neighborhoods, petition for their neighborhood to be included on the list. Once an area was included as an

eligible “cease and desist” area, residents could then choose to have their addresses placed on a “cease and desist” list. However, the regulation that declared these neighborhoods “cease and desist” areas was active for only five years.

Senator Avella's “Cease and Desist” bill will call for the entire county of Queens to be declared a “cease and desist” area. Rather than require residents to demonstrate that solicitations have become pernicious, the new legislation will allow any resident in Queens to add their address to the “cease and desist” list. The bill will also extend the active period to 10 years.

“For too long Queens residents have been inundated with mass amounts of real estate solicitations and ads. My office recently received about 75 separate mailers from just a few residents, and I understand that the Auburndale Civic has collected over 100 pieces. While the previous law was a good first step in trying to address the problem, the process was simply too complicated, overly burdensome, and the expiration period of five years is just too short. That’s why I’m proud to introduce my “Cease and Desist” bill, which will declare all of Queens County a “Cease and Desist” zone, allowing any resident in the borough to place their address on the list, and will extend the expiration period to 10 years,” declared Senator Avella. “Our residents have the right to enjoy the peace and quiet that our borough is known for, and that includes peace and quiet from obnoxious solicitations.”

"I am tired of getting mailers and little business cards stuck in my mailbox and wrought iron doors from real estate brokers. Not only do they put them in my front door but they also put another card in my side door. It's time for this type of solicitation to stop. We need to renew legislation to halt this unwanted form of advertising," said Tyler Cassell, President of the North Flushing Civic Association.

“I have received complaints from members of my civic association about unwanted solicitations from real estate agents. Some find these solicitations to be an annoyance, while other people find them very disconcerting. We are in favor of having some mechanism to be able to stop unwanted solicitations. The system needs to be user friendly and able to be updated regularly. It is unacceptable to have to wait entire year for one's name to be added to the non- solicitation list, which has been the State's practice,” stated Michael O’Keefe of the Creedmoor Civic Association.

"For years I have tried to place my name on a 'Cease and Desist' list and still these annoying calls and mailings persist. If Senator Avella can come up with a bill that will result in successfully keeping unwanted solicitations away, I'm all for it. Thank you, Senator, for this most-needed legislation for our community," said Michael Feiner of the Bayside Civic Association.

“We fully agree with the Senators Legislation for a "Cease and Desist" bill. If anyone in our community was interested in selling their home, they are more than able to pick up a phone and call a local real estate agent of their choice. There is absolutely no need for the members of our community to be continually

bombarded with these unwanted solicitations from outside real estate agents,” stated Kim Cody, President of the Greater Whitestone Taxpayers Civic Association.

"Several years ago, the cease and desist law was passed to prevent unscrupulous realtors from using "block-busting" techniques to frighten homeowners into selling their homes at below-market prices. Unfortunately, this law expired, silently, this past August. Thankfully, we recently found out due to the diligence of Senator Avella and his staff. The New York State Secretary of State maintained a list of those people who did not want to be solicited. They simply filled out and signed a postcard. Now, the Secretary of State wants petitions signed before a neighborhood can participate. I feel that this is unnecessary bureaucracy. There was nothing wrong with the old method and it should be re-implemented along with the law. You can sign up for the federal "Do Not Call" registry to stop telemarketers by simply filling out a form by mail or on-line. Why not do the same here?" said Jerry Wind, President of the Bellerose Hillside Civic Association.