



NEW YORK STATE SENATOR

Brian Kavanagh

## Senate and Assembly Pass Seven Bills To Combat Housing Discrimination and Advance Fair Housing Goals

BRIAN KAVANAGH June 14, 2021

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New York, NY – State Senators Brian Kavanagh, James Skoufis, and Kevin Thomas, the Chairs respectively of the Senate Committees on Housing, Investigations and Government Operations, and

**Consumer Protection** were joined today by **Assemblymembers Charles Lavine and Steven Cymbrowitz, the Chairs of the Assembly Judiciary and Housing Committees**, to announce that seven bills in a legislative package to combat housing discrimination and advance the state's fair housing goal passed both the Senate and the Assembly in the session that adjourned late Thursday evening.

All of the bills were recommended in the Senate Majority's **investigative report** on fair housing and discrimination, issued in January by Senators Kavanagh, Skoufis, and Thomas, following an extensive inquiry and two public hearings that included testimony from dozens of subpoenaed witnesses and experts on fair housing.

The initial impetus for the inquiry was Newsday's "Long Island Divided" exposé, which detailed apparently widespread discriminatory practices in the Long Island homes sales market, but the legislation applies statewide and to residential rentals as well as home sales.

The bills in the package include:

- **Bill S0945B/A6866**, sponsored by **Senator Jim Gaughran and Assemblywoman Kimberly Jean-Pierre**, would double the maximum fine imposed upon real estate brokers and salespeople who violate the law to \$2,000, and direct half of all fines collected to a new Anti-Discrimination in Housing Fund to be used by the Attorney General for fair housing testing and other grants to local agencies and non-profits to fight housing discrimination.
- **Bill S2133/A5363**, sponsored by **Senator Skoufis and Assemblywoman Kimberly Jean-Pierre**, adds a surcharge to the licensing fee paid by real estate brokers and salespeople, and directs the new revenue to be used for fair housing testing through the Anti-Discrimination in Housing Fund (above).
- **Bill S1353/A5428A**, sponsored by **Senator Kavanagh and Assemblyman Cymbrowitz**, establishes that all State and local agencies that administer State housing programs, and

all organizations that receive State housing funds, have an obligation to "Affirmatively Further Fair Housing."

- **Bill S2132B/A5359**, sponsored by **Senator Skoufis and Assemblywoman Catalina Cruz**, requires additional testing and training for licensing of brokers and salespeople, including curriculum on fair housing laws, the legacy of segregation, and anti-discrimination training, and requires faculty to certify that the courses comply with State regulations.
- **Bill S538B/A4638A**, sponsored by **Senator Anna Kaplan and Assemblywoman Gina Sillitti**, adds implicit bias training to the required curriculum for real estate brokers and salespeople seeking to renew their licenses.
- **Bill S2131/A6186**, sponsored by **Senator Skoufis and Assemblywoman Judy Griffin**, requires standardized client intake procedures for real estate brokers, to help ensure that prospective homebuyers are not treated differently based on their race or other protected characteristic.
- **Bill S2157A/A6355**, sponsored by **Senator Thomas and Assemblywoman Michaelle C. Solages**, requires associate real estate brokers serving as real estate officer managers to properly supervise other brokers and real estate salespeople working in the office they manage.

"I am very proud of this legislative package, which includes much needed reforms to ensure effective implementation and compliance with New York's fair housing laws," **said Senator Brian Kavanagh**. "It is my hope that this legislation, the new funding that it will generate, and the administrative reforms we proposed in our report are a strong beginning toward achieving true equity and justice for homebuyers and renters throughout New York, for the benefit of all of our communities. I thank Senators Skoufis and Thomas, Assemblymembers Cymbrowitz and Lavine, Majority Leader Stewart-Cousins and Speaker Heastie, the bill sponsors, all of our colleagues who supported this essential work, the many organizations

and individuals who shared ideas and concerns, and Newsday for their inspiring investigative journalism.”

**Senator James Skoufis said,** "Over the past few months, my legislative colleagues and I have collaborated on real, tangible solutions for rectifying the egregious lapses in equitable treatment within the housing industry. All New Yorkers deserve a fair shot as they make what many consider to be the most consequential decision in their lives, and we as lawmakers bear a responsibility to ensure they are treated with dignity and respect throughout the process. It's validating to see this slate of reforms make its way to the Governor's desk, and I thank the entire Newsday exposé team for bringing this discrimination to light."

**Senator Kevin Thomas said,** “Fair housing is a right shared by all New Yorkers. What Newsday uncovered in their 2019 investigation was eye-opening, tangible evidence of unequal treatment, steering, and bias directed at minority homebuyers and minority communities on Long Island. With this legislative package, the New York State Senate is taking action to combat discrimination and hold those who perpetuate it accountable. I thank my Senate colleagues for taking on this important work and sending the message loud and clear: Discrimination has no place in our communities.”

**Assemblyman Charles Lavine said,** "Discrimination and favoritism are forms of corruption. Bias is un-American. It is for that reason that I am very proud that this legislation promotes fairness, equality and justice."

**Assemblyman Steven Cymbrowitz said,** “It is imperative that New York State take meaningful action to encourage compliance with fair housing practices. By creating an obligation to affirmatively further fair housing for all state agencies and localities administering housing-related programs and laws, New York will now send a strong message that harmful and

discriminatory practices will no longer be tolerated and that we are working to actively create more diverse and inclusive communities.”

“Every New Yorker is entitled to fair access to housing without fear of discrimination,” said **Attorney General Letitia James**. “The bills passed by the state assembly and senate are essential to ensuring the civil rights for homeowners and renters throughout the state. We must continue the work to eliminate housing discrimination in all its forms, and I thank the sponsors of these bills for their commitment to this issue.”

**Senator Brad Hoylman** said, “More than 50 years after the Fair Housing Act made housing discrimination illegal in this country, it’s outrageous that this shameful practice continues to be a problem in New York State. I’m proud to be part of a Senate Majority that took bold action to address housing discrimination. The legislation we passed this session will ensure the Attorney General’s office conducts covert fair housing testing, requires implicit bias training for real estate brokers, and so much more. Thanks to the leadership of Senate Majority Leader Andrea Stewart-Cousins, and the investigative work conducted by Senators Kavanagh, Skoufis and Thomas, our legislature is taking bold action to expand equality in housing and working to end America’s shameful history of racism and segregation.”

“It is unconscionable that in the year 2021 housing discrimination remains such a widespread problem in New York,” said **Assemblymember Kimberly Jean-Pierre**. “We must put an end to the horrifying discriminatory practices that persist on Long Island and across New York. The legislation in this package will go a long way in educating salespeople and brokers, and help the state address the more covert and subtle forms of discrimination that have become all too common.”

**Senator Anna M. Kaplan** said, “There’s no disputing the fact that we have a problem on Long Island when it comes to the unequal treatment of minority homebuyers, and we also know

that it's not a victimless offense. Fixing this problem going forward, and ensuring everyone is treated fairly, is going to rely on better education and training for real estate professionals, and stronger enforcement mechanisms to deter bad actors from engaging in harmful, illegal practices. The bills we passed in the legislature this year will tackle the problem head-on, and from every direction, and I'm proud to have sponsored the effort along with my Senate Majority colleagues."

**Assemblymember Judy Griffin** said, The blatantly disparate service provided to minority homebuyers that was brought to light in a recent exposé was appalling and unacceptable. My bill (A6186) will mandate certain standard operating procedures for assisting all prospective homebuyers fairly and help ensure that those who do not comply are held accountable. It is my hope that this comprehensive package will make the housing market accessible to all."

**Assemblymember Michaelle Solages** said, "While housing discrimination is by no means a new phenomenon, it has transformed from obvious and deliberate behavior to more subtle and insidious conduct that we must address head on. My legislation helps ensure proper oversight over real estate agents irrespective of whether they are working out of a broker's principal place of business or in a branch office under an office manager. Together, the legislature has passed a package of measures that reinforce fair housing protections and help to empower New Yorkers to become homeowners."

**Senator Jim Gaughran** said, "Housing discrimination has no place in our community. My legislation will help end the racist practices that led to Long Island's segregated communities by directing funding to fair housing testing. This package of legislation is vital to ending racist housing practices and will ensure homebuyers are afforded dignity and equity."

**Assemblymember Gina L. Sillitti** said, "I am proud to have sponsored legislation, along with several of my majority colleagues, to begin the process of correcting the disparities found here on Long Island. Requiring training for real estate brokers to ensure there is no bias is a necessary step, along with the other important and thoughtful pieces passed in this package. Everyone is entitled to housing- anywhere they choose, without limitation."

**Assemblymember Catalina Cruz** said, "Housing discrimination is a very real and very pervasive issue for many of my constituents. It is unthinkable that, in the present day, New Yorkers are denied housing opportunities because of these biased and damaging practices. I am proud to be a part of this legislative package that seeks to immediately address and reform these practices, and look forward to continuing to advance fair and equitable housing standards statewide."

"On behalf of the Fair Housing Justice Center (FHJC), we are incredibly grateful to Sen. Kavanagh and all of the Senators and Assemblymembers who sponsored and worked hard to usher these significant fair housing initiatives through the legislature," **stated FHJC Executive Director Fred Freiberg**. Freiberg added, "These bills, among other things, create a State duty to affirmatively further fair housing, establish mechanisms to raise funds for annual testing, expand the scope of training for real estate licensees, and tighten up the practices of real estate companies to help ensure compliance with fair housing laws."

"Senator Kavanagh, on behalf of the Board and staff of ERASE Racism, thank you for your leadership," **stated Elaine Gross, President of ERASE Racism**. "To all the Senators and Assemblymembers who did their part to make these bills law, we are grateful for your efforts to tackle the longstanding problem of housing discrimination. ERASE Racism has worked to advance fair housing for 20 years, and we stand ready to work with you to ensure that affirmatively furthering fair housing is fully implemented. To truly make New York an inclusive place, the real estate industry must be transformed and embedded racial

segregation must be unraveled. I'm confident we can do this."

"I commend the New York State Legislature for passing this momentous legislative package and demonstrating its long-term commitment to the cause of fair housing," **said DeAnna Eason, Executive Director of Housing Opportunities Made Equal (HOME)**. "Since 1963, HOME has fought to remove barriers to housing that deny opportunities and fuel segregation and inequality. It is encouraging to see New York State's active involvement in these critical fair housing issues, which serves as an exemplary model on the national stage for state involvement in fair housing causes. I would like to thank everyone involved in the passage of this legislation for recognizing the need for sustained, comprehensive remedial action to address the deleterious social and economic impacts housing discrimination has on all New Yorkers. HOME looks forward to continued support from New York State in the fight for true housing choice for all."

**Duncan MacKenzie, CEO, New York State Association of REALTORS** said, "REALTORS® have worked with state lawmakers for several months in the development of improved consumer protections including measures to promote fair housing. We applaud Senators Kavanagh, Skoufis and Thomas for their willingness to work with the industry toward reasonable solutions to address the issues raised in the Newsday reporting. The New York State Association of REALTORS® and the affiliated local REALTOR® boards will actively educate our members about how to comply with all of the bills that become law."

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