



New York State Association of REALTORS®, Inc.

2020

LEGISLATIVE PRIORITIES

The Albany, NY-based New York State Association of REALTORS® is a not-for-profit trade organization representing more than 58,000 of New York State's real estate professionals. The association provides a variety of benefits including legislative and legal representation, educational programs, publications such as the New York State REALTOR® and a code of professional standards. The term REALTOR® is a registered trademark, which identifies real estate professionals who subscribe to a strict code of ethics as a member of the National Association of REALTORS®. These REALTORS® are also members of the New York Association of REALTORS® as well as their local board or association of REALTORS®.

PROTECTING FAIR HOUSING IN NEW YORK

(S.6874 - Gaughran/A.8903 - Jean-Pierre)

NYSAR strongly supports legislation to allow the state Department of State greater discretion to fine, suspend or revoke the license of a real estate broker or salesperson found to have violated provisions of the state Human Rights Law in his or her capacity as a real estate professional. REALTORS® fundamentally support equal opportunity in housing and are committed in our opposition to all forms of illegal discrimination.

PROTECT INDEPENDENT CONTRACTOR STATUS FOR REAL ESTATE LICENSEES

(S.6538 - Savino/A.8343 - Crespo)

NYSAR strongly opposes any legislation that would result in removal of independent contractor status from licensed real estate brokers and salespersons. This bill seeks to define the terms "dependent worker" and "employee," however, unclear language in the bill could be misinterpreted to include qualified real estate licensees under its provisions, thereby threatening current independent contractor status. This interpretation would also conflict with existing Labor Law exemptions for licensed real estate professionals. Without language providing for an exemption for services of a licensed qualified real estate agent, NYSAR opposes this bill.

STATEWIDE "GOOD CAUSE EVICTION" STANDARD

(S.2892-A - Salazar/A.5030-A - Hunter)

NYSAR strongly opposes legislation that would establish an onerous and overly restrictive "good cause eviction" standard and impose de facto rent control statewide without any home rule option. This bill essentially provides tenants with a perpetual lease even when terms of that lease have expired, which is simply impractical. The legislation's overly restrictive "good cause" standard would stifle investment in rental housing and reduce the market value of these properties.

STATEWIDE RENT CONTROL AND STABILIZATION OPT-IN

NYSAR believes rent control and rent stabilization laws at the state and municipal level are counterproductive and overly restrictive. Studies show that rent control actually limits renters' mobility, reduces the availability of affordable rental housing, disincentivizes maintaining and redeveloping regulated units, and drives up rent in non-regulated units. Expansion of these provisions to municipalities outside of the New York City-metro area will undoubtedly harm renters in the long-term and exacerbate the current zombie property problem. State and local officials should take a more balanced approach by encouraging the development of more housing and affordable units if there is a supply issue. Additionally, NYSAR believes there are opportunities to clarify and amend portions of the Housing Stability and Tenant Protection Act to resolve ambiguities in the law and restore the ability of building owners to provide safe and affordable housing to more New Yorkers.

ENSURE FAIRNESS AND TRANSPARENCY IN COOPERATIVE HOUSING

(S.4677 - Kavanagh/A.6194 - Lavine)

NYSAR supports legislation that would bring greater transparency to the process of considering the sale of shares in a cooperative housing corporation by requiring a timeline for cooperative boards to act on applications. This updated process would provide uniformity and predictability to the application procedure to the benefit of all parties involved. Similar legislation has been enacted at the local level in Suffolk, Rockland and Westchester counties, as well as in the Village of Hempstead.

NEW YORK FIRST-TIME HOMEBUYER SAVINGS ACCOUNT PROGRAM

(S.6047 - Savino)

High closing costs and down-payment requirements continue to create barriers for first-time home buyers in NY. New York State Homes and Community Renewal issued a public impact report on the implementation of a statewide first-time home buyer savings account. NYSAR continues to support the creation of a first-time homebuyer savings account, which provides a state income tax deduction of up to \$5,000 per year (\$10,000 per year for couples) to help New Yorkers save for the purchase of a first home. Prior legislation passed with strong bipartisan support in the State Legislature.

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LIMITING NYC BROKER FEES

New York City Council bill: (Int. No. 1423 - Powers)

NYSAR strongly opposes any legislation that would place unwarranted restrictions on a real estate professional's ability to charge a competitive rate for services provided during a real estate transaction. NYSAR specifically opposes New York City Council Int. No. 1423 which would limit the amount a real estate licensee may charge for their work in a rental transaction to one month's rent when they are an agent of the property owner. There is no requirement for prospective renters to secure the services of a REALTOR®, however many New Yorkers make the informed decision to do so because of the professional expertise provided to a client throughout the transaction process, including knowledge on rental contracts and the rental market as a whole.

REDUCE STATE AND LOCAL REAL ESTATE TAXES

Oppose Increasing State and Local Mortgage Recording and Transfer Taxes

NYSAR strongly opposes any legislation that would increase state or local mortgage recording or transfer taxes. Increasing real estate transaction taxes simply robs equity from homebuyers who could better use such funds towards their down payments. New York State consistently ranks at or near the top of lists of states with the highest real estate closing costs in the nation. Further increases to the tax burden imposed on the real estate transaction makes homeowners less affordable, will drive individuals and families out of New York, reduce state and local revenues, and harm the overall economy.

Oppose "Flip tax" on Properties in New York City (S.3060 - Salazar/A.5375 - Dilan)

NYSAR strongly opposes legislation that would impose an additional 20-percent real estate transfer tax on residential properties sold in New York City within one year and 15-percent transfer tax on residential properties sold after one year but less than two years from the prior purchase or conveyance. This bill would not achieve its intent and would dramatically increase the tax burden imposed on the real estate transaction in New York City making home buying and renting less affordable for city residents.

Oppose Real Estate Transfer Tax to Create Community Preservation Funds (S.980 - Breslin)

(S.6224 – Metzger/A.7699 – Gunther) Orange County (S.5644 – Skoufis) Town of Blooming Grove

NYSAR strongly opposes real estate transfer taxes at all levels of government. NYSAR respects communities wishing to preserve open space, neighborhoods and historic buildings, however, funding for such initiatives should not rely on raising taxes, nor should it be at the sole expense of homebuyers in the form of a real estate transfer tax. Additionally, any legislation pertaining to the use of transfer tax dollars for the purpose of community preservation should include specific language to ensure that any revenues are utilized exclusively for the purpose of protecting community character and not abused.

Oppose Increasing the so-called "Mansion Tax"

NYSAR strongly opposes any legislation that would further increase the state real estate transfer tax on the sale of properties valued at more than \$1 million. The current state "mansion tax" already imposes an additional 1 percent tax on the transfer of a home that sells for \$1 million or more. Levying additional taxes on real estate will curb real estate transfers, reduce tax revenues and negatively impact our economy. Additionally, in today's real estate market, the number of homes and condominiums valued at \$1 million or more is significantly greater than at the time when this tax was originally imposed in 1989. At that time only 499 homes sold for \$1 million or more, whereas during the 2016-17 state fiscal year alone, nearly 17,000 homes sold for \$1 million or more. State legislators should rather consider legislation adjusting this tax to the Consumer Price Index to lower the tax burden on New York home buyers.

OPPOSE OVER-BURDENSOME REGULATIONS

Neighborhood Integrity Act

(S.212 - Benjamin/A.2543 - Rodriguez)

NYSAR strongly opposes legislation that would prohibit licensed real estate brokers and salespersons from advertising any property for sale or for rent in a New York City neighborhood that is not a traditionally recognized neighborhood. Violations would be subject to a monetary fine, license suspension or license revocation at the discretion of the New York State Secretary of State. REALTORS® oppose this burdensome and misguided legislation because there is no current legal description of what constitutes a "neighborhood boundary" nor a "traditionally recognized neighborhood." This legislation will only cause consumer confusion and market disruptions in a constantly evolving real estate marketplace.

Oppose Expanding Cease and Desist Zones

(S.1253 - Parker/A.6775 - Wright) and

(S.1256 - Parker/A.6786 - Perry) and (A.4324 - Weprin)

NYSAR strongly opposes cease and desist zones which specifically target licensed real estate professionals while ineffectively allowing unlicensed individuals and firms to continue engaging in unwanted practices unfettered. Real estate marketing practices are consistent with other professions and businesses, making it improper to single out one type of business. NYSAR does not condone illegal real estate practices and is heavily involved in educating its members on ethical and legal standards in real estate transactions.

PRESERVE PROPERTY RIGHTS

Wetlands Oversight

(S.7366 - Harckham/A.3658 - Englebright)

NYSAR strongly opposes legislation which would increase the state Department of Environmental Conservation's oversight of wetlands from the current threshold of 12.4 acres or more to wetlands as small as one acre. The DEC already has authority over all wetlands determined to be of "unusual local importance," and local municipalities have the authority to regulate wetlands. The significant expansion of the state's regulatory authority would create an unnecessary imbalance with significant negative ramifications for homebuyers, developers and the overall economic health of New York State.

Well Water Education Act

(S.1845 - Hoylman/A.1194 - Jaffee)

NYSAR strongly opposes legislation to require home inspectors, licensed real estate brokers and salespersons to provide well water education materials to prospective home buyers regarding the potential hazards of well water. Technical flaws in the legislation would cause a tremendous amount of confusion and uncertainty in real estate transactions across New York State.

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