



New York State Association of REALTORS®, Inc.

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February 7, 2020

The Honorable Andrew M. Cuomo
Governor of New York State
New York State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

On behalf of more than 59,000 licensed real estate professionals living and practicing in New York State, the New York State Association of REALTORS® (NYSAR) urges Governor Andrew Cuomo and the State Legislature to include funding in the 2020-2021 State Budget to establish and maintain a fair housing tester program. Additionally, NYSAR supports statutory and regulatory changes to strengthen fair housing laws and make homeownership more accessible for all New Yorkers.

There is no room for illegal discrimination by real estate licensees in New York State, and NYSAR stands ready to work with Governor Cuomo and the State Legislature to increase enforcement of the state's fair housing laws. NYSAR believes, along with fair housing advocates, that testing is one of the most effective methods to combat illegal housing discrimination. Therefore, we urge state lawmakers to take immediate action within the State Budget to provide funding to the Department of State in order to establish an effective fair housing tester program.

NYSAR supports enactment of the following measures in addition to the immediate funding of a fair housing tester program:

- Increase the maximum state fines for fair housing law violations to \$2,500 per occurrence from the current maximum of \$1,000, with revenues dedicated to the fair housing tester program;
- Require all fair housing instructors to undergo specialized training, be certified every two years and focus their classes only on fair housing, rather than combining the topic with other subjects;
- Create and maintain a state-run website for real estate licensees and the public that contains comprehensive information about fair housing duties and rights. The website should also contain easy access for reporting violations to city, state and federal authorities.
- Provide the Department of State with greater discretion in disciplining a real estate licensee found to violate provisions of the state Human Rights Law (S.6874-Gaughran/A.8903-Jean-Pierre);
- Ensure fairness and transparency in the application and purchase process for cooperative housing (S.4677-Kavanagh/A.6194-Lavine).

Additionally, NYSAR supports regulations recently proposed by the Department of State regarding real estate brokers providing notice of fair housing laws to consumers in the form of a written disclosure, prominent signage in real estate offices, open houses and on websites (Sections 175.28 and 175.29). NYSAR also supports the concept of recording fair housing classes as created in the proposed regulations

Jennifer Stevenson
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David Legaz
President-Elect

Jennifer Vucetic
Secretary/Treasurer

Duncan R. MacKenzie
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but urges the Department to consider allowing audio recording to help protect classroom participant confidentiality. NYSAR will be providing detailed formal remarks during the statutory comment period.

NYSAR has a long history of advocating for the expansion of fair housing laws. The basis for NYSAR's advocacy is found in its Statement of Policy: "We believe that equal opportunity in housing is a fundamental right. We oppose all illegal discrimination." NYSAR's primary role in combating illegal discrimination in housing is through educating our REALTOR® members and advocacy for fair housing principles at the local, state and federal government levels. Violations of fair housing laws by REALTORS® subjects them to penalties under REALTOR® association rules and government laws.

The New York State Association of REALTORS® looks forward to being an active partner with Governor Cuomo and the State Legislature to advance these fair housing measures and working together to eradicate illegal discrimination in housing.

Sincerely,

Duncan R. MacKenzie
CEO, New York State Association of REALTORS®

cc: Robert Mujica, State Budget Director
Beth Garvey, Special Counsel and Senior Advisor

The New York State Association of REALTORS® is a not-for-profit trade organization representing more than 59,000 of New York State's real estate professionals. The term REALTOR® is a registered trademark, which identifies real estate professionals who subscribe to a strict code of ethics as members of the National Association of REALTORS®. These REALTORS® are also members of the New York State Association of REALTORS® as well as their local board or association of REALTORS®.

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