

The Albany, NY-based New York State Association of REALTORS® is a not-for-profit trade organization representing more than 63,000 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® magazine and enforces 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 members of the New York Association of REALTORS® as well as their local board or association of REALTORS®.

## STRENGTHEN NEW YORK'S FAIR HOUSING LAWS

REALTORS® fundamentally support equal opportunity in housing and are committed in our opposition to all forms of illegal discrimination in housing. Maintaining the integrity of fair housing policies in New York is of the utmost importance.

### Combat discrimination in cooperative housing

» **(S.2846-Kavanagh/A.5856-Lavine) (S.2874-Kavanagh/A.1623-Perry) (S.1449-A-Sanders/A.6510-Walker)** NYSAR supports ensuring fairness and transparency in the cooperative housing purchase process by establishing a clear timeline for the response to applicants by coop boards and requiring a reason for any denial of an application in order to help combat illegal discrimination.

### Support fair housing

» NYSAR supports strengthening New York's fair housing laws by increasing mandatory fair housing continuing education for all real estate licensees, instituting a standardized operating procedure for the prerequisites of prospective homebuyers, increasing course hour requirements to obtain a real estate broker and salesperson license, and increasing license fee surcharges and the maximum fine for real estate license to help fund a new anti-discrimination in housing program. NYSAR also supports the chapter amendments to these laws as approved by the Legislature in 2022.

## TECHNICAL AMENDMENT TO STATE'S TELEMARKETING RESTRICTIONS

Unfortunately, the pandemic has presented many challenges for New Yorkers seeking to buy or sell real estate. Among those are current restrictions in place on real estate licensees' abilities to communicate with potential clients during a state of emergency.

» **(S.7656-Thomas/A.8662-Cusick)** NYSAR supports a technical amendment to a law passed in 2019 placing restrictions on legitimate telemarketing business services provided by licensed professionals, stipulating the ability to provide telemarketing services during states of emergency when it is founded that such telemarketing services would not impair or mitigate said state of emergency.

## PROVIDE RELIEF TO TENANTS AND BUILDING OWNERS

It is critical that New York continue to provide necessary relief to tenants who are unable to pay their rent due to impact of the COVID-19 pandemic. It is equally important to provide relief to building owners who are struggling to pay their mortgage, property taxes and other expenses as a result of non-payment of rents.

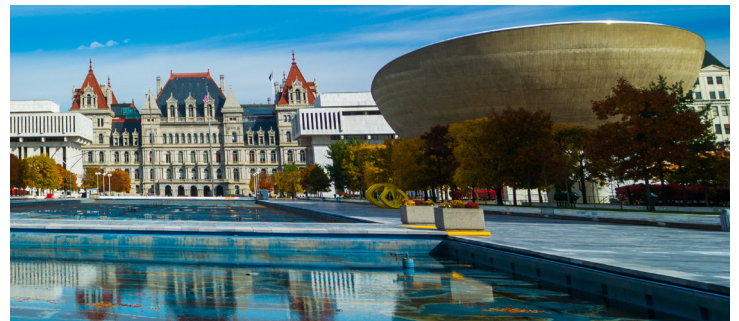
» NYSAR supports securing and distributing additional federal and state funding provided through the New York State Emergency Rental Assistance Program (ERAP) and Landlord Rental Assistance Program (LRAP) to help promote economic recovery and housing stability.

## EXPAND ACCESS TO HOMEOWNERSHIP

Many New Yorkers hope to achieve their dream of homeownership, however, they can face financial obstacles, including some of the highest-in-the-nation property taxes and closing costs. NYSAR strongly supports legislation to help New Yorkers overcome these barriers to homeownership, especially for first-time homebuyers.

NYSAR supports the following:

- » NYSAR supports enacting a first-time homebuyer savings account program to assist New Yorkers in saving for a first home within the state.
- » NYSAR supports expanding affordable and workforce housing development through the implementation of new zoning and tax incentives and ease restrictions on the conversion of existing commercial spaces into residential housing.
- » NYSAR supports directing funding in the State Budget to expand broadband access throughout the state, particularly in rural regions.



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## OPPOSE OPPRESSIVE REGULATIONS

NYSAR strongly opposes legislation that makes it more difficult for New Yorkers to purchase, invest in, manage, or sell real property in New York State.

- » **(S.3082-Salazar/A.5573-Hunter)** NYSAR opposes the imposition of a statewide “good cause” eviction standard, which would implement impractical and overly restrictive standards and stifle investment in rental housing. It would also impose de facto rent control statewide and prevent a property owner from recovering their property even after a tenant’s lease has expired.
- » **(A.2685-Joyner)** NYSAR opposes legislation that would seek to redefine the term “employee,” which conflicts with existing Labor Law exemptions for licensed real estate professionals and would result in removal of independent contractor status.
- » **(S.6427-Brisport/A.7934-Mamdani)** NYSAR opposes the prohibition of landlords and landlords’ agents from collecting broker fees from a tenant.
- » **(S.2525-Kavanagh)** NYSAR opposes the requirement on real estate brokers and salespersons to request, compile and disclose personal demographic data on prospective home purchasers, including full name, race, ethnicity and gender, among other information. This bill raises significant privacy concerns by expanding the scope of licensure of real estate licensees and would require brokers and salespersons to request and store sensitive identifying information for any prospective home purchaser or tenant, including attendees of open houses, regardless of whether they ultimately purchase or rent the property.
- » **(S.2811-A-Kavanagh/A.327-Zebrowski)** NYSAR opposes the creation of a statewide residential rental registry and public online searchable database that would require owners of residential rental dwellings housing two or more families living independently of each other to register their property annually for a fee to be determined by the Department of State.
- » **(S.3157-Myrie/A.5971-Mitaynes)** NYSAR opposes the establishment of the Tenant Opportunity to Purchase Act (TOPA), which would provide tenant organizations the first opportunity to purchase rental properties prior to being put on the market, impose price stabilization provisions on the property for up to 99 years, cap annual rent increases and prohibit the eviction of any TOPA buyer except for “good cause.”
- » **(S.4264-A-Parker/A.6967-Cahill)** NYSAR opposes the establishment of the Climate and Community Investment Act, which would impose new carbon emissions taxes and fees on homeowners and consumers.
- » **(S.6843-A-Kavanagh/A.8431-Gallagher)** NYSAR opposes the enactment of the All-Electric Building Act, which would prohibit the use of gas or oil in all new residential, commercial and mixed-use construction statewide by December 31, 2023.
- » **(S.4547-A-Harckham/A.4854-A-Epstein)** NYSAR opposes legislation, as currently drafted, to direct localities to establish ordinances allowing for the creation of accessory dwelling units (ADUs) and impose rent increase restrictions on those ADUs. While NYSAR supports providing additional opportunities for the creation of more affordable housing, imposing a rent control mechanism ultimately disincentivizes homeowners from utilizing ADUs.
- » **(S.5116-C-Harckham/A.7850-Englebright)** NYSAR opposes expanding the scope of DEC’s regulatory authority to oversee and expand freshwater wetlands throughout the state and removing critical government oversight and public input.

- » **(S.2142-A-Kavanagh/A.6608-A-Rivera)** NYSAR opposes the requirement of property owners to conduct lead paint tests and provide reports of such tests prior to the selling or leasing of a property.
- » NYSAR opposes regulatory efforts by the Department of State to impose a new cease and desist zone on real estate licensees covering all or parts of Brooklyn, following passage of legislation in 2021 directing the DOS to investigate the need or lack thereof for such measures.
- » **(S.1448-Hoylman)** NYSAR opposes the requirement of real estate brokers and salespersons to write their name and license number on every document that requires a signature in a transaction.

## REDUCE STATE AND LOCAL REAL ESTATE TAXES

NYSAR strongly opposes any legislation that would increase state or local mortgage recording taxes or real estate transfer taxes. Increasing real estate transaction taxes robs equity from homebuyers who could better use such funds toward a down payment. New York State already has some of the highest closing costs and real estate taxes in the country, and individuals and businesses are choosing to leave the state due to over-taxation. In order to reverse this trend, New York should be advancing policies that make homebuying more affordable.

- » **(S.4199-Hoylman/A.5736-Glick)** NYSAR opposes the imposition of a Pied-a-Terre Tax, which will implement a new, recurring annual property tax on New York City homeowners that will drive down property values, decrease the city’s tax base, and jeopardize thousands of jobs in hospitality, construction, and real estate services.
- » **(S.5376-Salazar/A.6574-Cruz) (A.3259-Dilan)** NYSAR opposes the imposition of an additional real estate transfer tax on properties in New York City that are sold within two years of its prior purchase. The bill would dramatically increase the tax burden imposed on the real estate transaction in New York City making homebuying and renting less affordable for residents.
- » **(S.1461- Breslin) (S.1668-Skoufis) (S.1810-Skoufis/A.5585-Schmitt) (A.5373-Lawler)** NYSAR opposes the authorization and imposition of additional real estate transfer taxes to fund local community preservation funds. NYSAR respects and agrees with communities wishing to preserve open space, however, funding for such initiatives should not rely on raising taxes, nor should it be at the sole expense of homebuyers in the community.

