



New York State Association of REALTORS®, Inc.

2023

REALTOR® Legislative Priorities

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®.

CLIMATE ACTION RECOMMENDATIONS

While NYSAR understands the state's commitment to reducing carbon emissions, serious and significant questions remain unanswered about costs and feasibility of some of the recommendations found in the NYS Climate Action Council's (CAC) Scoping Plan. In particular, the Scoping Plan fails to adequately analyze the economic realities faced by New Yorkers and sheds no light on the fiscal impact these recommendations will have on current and future homeowners and commercial property owners. Specifically, NYSAR has concerns with the feasibility and timetables for implementation of the following CAC recommendations:

- Prohibit new natural gas service to existing buildings;
- Prohibit propane, natural gas and oil equipment in new homes in 2024;
- Prohibit traditional heating systems in existing homes beginning in 2030;
- Ban use of natural gas appliances (dryers, stoves, etc.) in homes beginning in 2035; and
- Ban the sale of gasoline vehicles in New York in 2035;
- Require single and multifamily property owners to obtain and disclose prior year energy consumption and energy performance ratings in real estate listings.

Executive Budget Proposal – Climate Action (Part WW of the TED Budget Bill)

On February 1, 2023, Governor Kathy Hochul released her Executive Budget proposal, which included legislation that would prohibit the installation of fossil fuel equipment and systems in new and existing homes, among other requirements.

The governor's proposal would:

- Prohibit the installation of fossil fuel equipment and building systems in the construction of new one-family and multi-family residential buildings no more than three stories in height, beginning December 31, 2025; and new multi-family residential buildings more than three stories in height and new commercial buildings beginning December 31, 2028.
- Prohibit the installation of fossil fuel space and water heating equipment and related building systems when retrofitting existing residential and multi-family buildings no more than three stories in height beginning on January 1, 2030, and all multi-family and commercial buildings starting January 1, 2035.

All Electric Building Act (S.562-A-Kavanagh/A.920-A-Gallagher)

NYSAR opposes this bill as currently drafted due to concerns with the unintended consequences it would have on rural households and low- and middle-income New Yorkers. The bill would direct the State Fire Prevention and Building Code Council to prohibit the use of fossil fuels, such as natural gas, oil or propane in any newly constructed building under seven stories statewide by January 1, 2024, and by July 1, 2027, in buildings seven stories or more – with limited exceptions.

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EXPAND ACCESS TO HOMEOWNERSHIP

Many New Yorkers hope to achieve their dream of homeownership, however, they can face difficult 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. (Bill introduction pending)
- NYSAR supports expanding affordable and workforce housing development through the implementation of new zoning and tax incentives and easing 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.

STRENGTHEN NEW YORK'S FAIR HOUSING LAWS

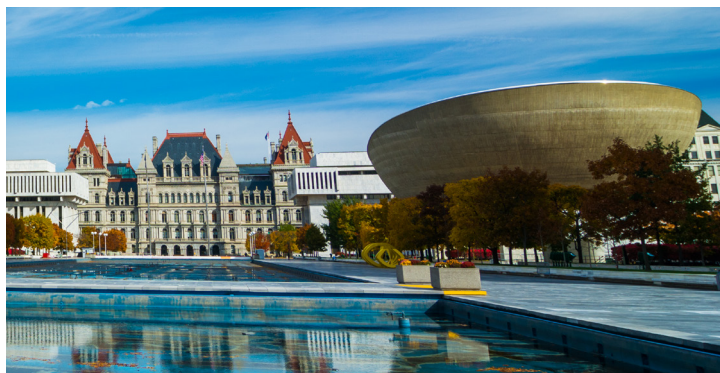
REALTORS® fundamentally support equal opportunity in housing and are committed in our opposition to all forms of illegal discrimination in housing. Maintaining the integrity of fair housing policies in New York is of the utmost importance.

Combat discrimination in cooperative housing (A.1778-Lavine) (S.2964-A-Kavanagh) (S.5789-Sanders/A.2685-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.

Increase broker experience (S.5197-Skoufis/A.3474-Fahy)

NYSAR supports increasing the number of consecutive years licensed as a real estate agent prior to becoming a broker from 2 years to 5 years.



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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.412-Thomas)**

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.

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.305-Salazar/A.4454-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.

- **(S.2783-Brisport/A.4781-Mamdani)**

NYSAR opposes the prohibition of landlords and landlords' agents from collecting broker fees from a tenant.

- **(S.3251-Salazar/A.4959-Solages)**

NYSAR opposes this legislation that adds "criminal legal involvement" as a protected class in New York State. The bill would eliminate the ability of a property owner and real estate agent to conduct criminal background checks in all cases.

- **(S.2352-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.2505-Kavanagh)**

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.

Oppose Oppressive Regulations Continued:

- **(S.221-Myrie/A.3353-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.2353-Kavanagh/A.4820-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 any new cease and desist zone on real estate licensees.

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.

- **(A.1814-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.1569-Salazar/A.1023-Cruz) (A.2638-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.

- 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.

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