



NEW YORK STATE SENATOR

Jeffrey D. Klein

## Don't Get Duped

JEFFREY D. KLEIN December 18, 2009

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### DON'T GET DUPED

Senator Klein Fights To Prohibit Deceptive Solicitations by Real Estate Brokers

NEW YORK- Senator Jeff Klein (D-Bronx/Westchester) joined by representatives from the Center for New York City Neighborhoods, Parodneck Foundation, leaders from Community Boards 10,11, and 12 , Throggs Neck Homeowners, Wakefield Taxpayers, Woodlawn Taxpayers,

Pelham Bay Taxpayers, Van Nest Association Members, Morris Park Association Members and numerous Bronx civic and homeowner associations called for the renewal of a Non-Solicitation order from Bronx County Community Boards 9,10,11 and 12.

A Non-Solicitation order, also known as a Cease and Desist Zone, is utilized by the Department of State to combat aggressive and overzealous solicitation practices by unscrupulous real estate brokers and salespersons. Under a Cease and Desist Zone, it's a violation of licensing law for licensed real estate professionals to solicit any property listing from any owner whose name and address appears on a cease and desist list. The orders create a Do Not Solicit Registry for real estate advertisements in neighborhoods that have been victimized by past blockbusting. The Department of State updates and releases the list twice each year.

“Unfortunately, in these harsh economic times we've seen a rise in people using deceptive practices to lure residents struggling financially, especially seniors, with offers that sound too good to be true. We need to stop these dishonest companies before anyone becomes their next victim. Renewing the New York Department of State non-solicitation order is a critical part of continuing to protect the pocketbooks and homes of my constituents,” said Senator Klein.

The non-solicitation order for Bronx County Community Boards 9,10,11 and 12 expired on August 1st, 2009. The NY Secretary of State's office may renew the order if it is determined that homeowners within the affected communities repeatedly receive intense solicitation by real estate brokers and sellers.

In 1999, while serving in the Assembly, Senator Klein sponsored legislation (S-4185, A-5437) that was signed into law by Governor Pataki in 2001, expanding the scope of non-solicitation orders to include real estate solicitations by unlicensed real estate speculators. The law

authorized the NY Secretary of State to investigate and prosecute violations of the real estate property law by both licensed and unlicensed individuals.

When Klein discovered that the non-solicitation order in many Bronx communities expired earlier this year, he asked constituents to send all solicitations they were receiving to his office. Dozens of constituents brought mail into Senator Klein's district office that included misleading, deceptive statements such as: "I want to buy your property at 'X' dollars, as is, make you a fair 'cash' offer, and close on the date you choose." "I did some research in the public records department downtown and found out you had lived at the property for quite some time and wanted to find out if you were thinking of selling it. I want to make things as easy as possible for us to do business."

"It is very annoying. I don't get solicitations from just one person either. I get them from different realty companies and the bottom line is I have no recourse. Even if I call them and tell them please don't send me these, they do it anyway. So I am very happy Senator Klein is doing this and calling for the renewal of the non solicitation order," said Vinny Prezioso, Executive Director of the Northeast Bronx Association Corporation.

After receiving six questionable solicitations, Klein immediately forwarded the information to NY Secretary of State, Lorraine Cortes-Vasquez, hoping to put an end to the deceptive practices before more constituents become victims. The Senator also wrote a letter urging the Secretary of State to renew the non-solicitation order.

"After the recent expiration of the non-solicitation orders, many of our members were quite distressed with the latest real estate broker mailing that intimated our members because private information was made public. This was very upsetting to them and we are very happy that Senator Jeff Klein took the lead to help us try to get the cease and desist orders reinstated. We know how important the non-solicitation orders are against unscrupulous

real estate brokers and are very grateful for his help," said Lynne Gerbino, President of Throggs Neck Homeowners.

"It is vital to call for the renewal of this non-solicitation order, so that more homeowners don't fall prey to the dishonest solicitations of brokers in neighborhoods already severely affected by the economic downturn and foreclosure crisis. We applaud the efforts of Senator Klein and our other elected officials in helping to accomplish the mission of keeping more New Yorkers in their homes," said Michael Hickey, Executive Director of Center for NYC Neighborhoods.

"I support my colleague Senator Jeff Klein in calling on the Secretary of State to renew the non-solicitation order for the Bronx Community Boards 9, 10, 11 and 12. The renewal of the non-solicitation order will protect distressed property owners from those who will prey on them during these tough economic times when they are most vulnerable," said Assemblywoman Rivera.

"For so many of our homeowners, the non-solicitation order is a much needed layer of protection against those who seek to separate families from what is typically their most prized asset, their home. I applaud Senator Klein for his tenacity and compassion for the residents of the Bronx," said Assemblyman Carl E. Heastie.

"It's despicable that some real estate brokers and salespersons would stoop so low to deceive honest people out of their own homes. It is important for us to renew the non-solicitation order so we can counter such greedy practices, and also for us to educate the public about this issue," said Assemblyman Jeffrey Dinowitz.

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