



NEW YORK STATE SENATOR

Tony Avella

Senator Avella Blasts Real Estate Agents For Hijacking DOS Public Hearing on Cease and Desist

ANDREI VASILESCU April 28, 2016

Queens, NY – Today, State Senator Tony Avella blasted a group of real estate agents who organized to highjack last night's public hearing held by the Department of State (DOS) on the matter of reinstating a cease and desist zone. Although the group denied organizing, chalking up the attendance of real estate agents from varying localities as a remarkable coincidence, most of the agents repeated the same disingenuous talking points and theatrics. Of the 38 testimonies provided at yesterday's hearing, 11 weren't made by realtors. Of the 38, 11 recognized that real estate solicitation had become extreme.

"I'm appalled by the circus that was last night's DOS hearing on a cease and desist zone. One after another, real estate agents went up to repeat their organized talking points while their business associates cheered from their seats. If anything, all they've done is illustrate the absolute need to reinstate Cease and Desist zones," said State Senator Tony Avella.

Since 1989, Queens had established "cease and desist zones" allowing residents within those zones to opt-out of real estate solicitation by submitting their address to a list. This practice was adopted to protect homeowners from real estate agents using unscrupulous or excessive tactics to pressure homeowners into fearing that their property values will drop. After the "cease and desist zone" expired in 2014, reports of excessive and unwanted solicitation by real

estate agents skyrocketed.

Homeowners have reported feeling harassed by agents who send letters, leave flyers and knock on doors to pressure them into selling their property. They attempt to create a feeling of urgency, panicking homeowners into selling their home before values drop. There have also been instances where real estate agents prey on the elderly, specifically targeting senior citizens at a higher rate than others. By their own admission last night, they have 'helped' homeowners in foreclosure find solutions, raising questions as to whether they are illegally practicing law without license by offering legal advice (which would be a felony if they subjected a homeowner to a thousand dollars or more in damages or compromised their legal rights).

To combat this growing trend, Senator Avella fought to reinstate a "cease and desist zone", ultimately having DOS agree to hold a public hearing on the issue. The creation of a "cease and desist zone" hinges on whether "owners of residential real property within a defined geographic area are subject to intense and repeated solicitation by real estate brokers and salespersons to place their property for sale with such real estate brokers or salespersons, or are subject to intense and repeated solicitation by other persons regularly engaged in the trade or business of buying and selling real estate..." (Section 442.h.3 of New York State Real Property Law).

Unfortunately, the public hearing was overtaken by a clearly organized group of realtors, some linked to a previous meeting between Avella and the Long Island Board of Realtors (LIBOR). When Avella met with LIBOR to discuss their opposition to reinstating a "cease and desist zone", a member threatened Avella that he would organize votes against him in the next election if he didn't change his stance on real estate solicitation. The organized effort to sabotage last night's public hearing was a clear result of that meeting.

One of the more theatrical testimonials last night came from an agent claiming she was there not just as a realtor, but as a constituent of Senator Avella. As it turned out, she was another former president of LIBOR and actually resides in Bethpage.

Other arguments made by the realty agents included: appeals to the right to do business, which a civic leader rebuked by saying all businesses are subject to regulation. They also attributed racial motivations to “cease and desist zone” supporters, alleging that they were trying to hurt the real estate industry to stem minorities from entering their community. This fails to consider that Queens became the most diverse county while a “cease and desist zone” was in place from 1989-2014.

Yet another flawed argument claimed that shady developers were the real culprits behind harassing homeowners and therefore a “cease and desist zone” should not be created. This ended up being one of two ways in which the real estate agents inadvertently helped the case for a “cease and desist zone”, as the aforementioned Real Property Law includes solicitations by “other persons regularly engaged in the trade or business of buying and selling real estate” as valid causes for the implementation of a “cease and desist zone”. This certainly includes conduct by developers.

“Many of real estate agents who spoke last night had little to no understanding about what they were commenting on. They were simply there because they were asked to and it was clear that mob-mentality allowed no room for clarity. Ironically, some even suggested that, rather than a blanket ban on solicitation, we allow homeowners to put their address on an opt-out list. Well, I suppose I need to thank them for their unintentional support because that’s exactly what Cease and Desist zones do,” commented State Senator Tony Avella.

Written testimony can still be submitted to the Department of State until May 15th.