



NEW YORK STATE SENATOR

Tony Avella

Senator Avella Announces Reinstitution of Cease and Desist Zones

TONY AVELLA July 26, 2017



Queens, NY – This morning, State Senator Tony Avella announced that the New York Department of State (DOS) has informed him that residents in parts of Queens will once again have the ability to opt-out of receiving unwanted real estate solicitations.

Residents of Bay Terrace and portions of Auburndale, Bayside, College Point, Malba, Murray Hill, North Flushing, and Whitestone will finally have a way of stopping the repeat and intense solicitation that has been a terror since the previous cease and desist zone was scaled back in 2009 and ultimately expired in 2014.

In order to curb aggressive real estate solicitation practices, the State legislature designated the entire County of Queens a "cease and desist zone" in 1989. This law allowed homeowners in Queens to place their names and addresses on a cease and desist list, providing them a choice to opt out of receiving unwanted real estate solicitation at their homes. However, when the DOS regulations sunset on August 1, 2014, the intense real estate solicitation practices returned. Senator Avella worked with community leaders, local civic associations, and community boards to bring this issue before the DOS, which then held three public hearings in 2016 to assess whether the solicitations have once again become "intense and repeated." To no one's surprise, DOS considered the community's testimony and agreed that there is sufficient evidence to reinstate these important regulations.

Under the regulations put out by DOS, "no licensed real estate broker or salesperson shall solicit the sale, lease or the listing for sale or lease of residential property from an owner of residential property located in a designated cease-and-desist zone if such owner has filed a cease-and-desist notice with the Department of State indicating that such owner or owners do not desire to sell, lease or list their residential property and do not desire to be solicited to sell, lease or list their residential property."

The Department of State will be accepting public comment on these regulations for 45 days from today's date.

In addition to the new cease and desist zones, which expire on September 1, 2022, Senator Avella is the sponsor of legislation (**S1895**) in the Senate that designates the entire county of Queens a cease and desist zone and extends the non-solicitation orders from five to ten year periods.

"Though I wish that the cease and desist zone covered the entire borough of Queens, I think we have taken a very big step towards protecting homeowners from the predatory tactics of real estate agents that became a norm in our neighborhoods. These new zones will also help

to promote a better relationship between homeowners and real estate agents who work and live in the community. The creation of these zones is a common sense solution to the aggressive real estate industry campaign to bully homeowners into thinking it is time to sell their home. I thank the Department of State for realizing that the solicitation residents faced was intense and unending and for taking action to put an end to this. I look forward to working with the Department of State to expand the zone to provide relief for all of the residents of Queens who fall prey to aggressive real estate tactics," **said Senator Tony Avella.**