



NEW YORK STATE SENATOR

Brian Kavanagh

## Senate Majority To Advance Legislative Package To Combat Housing Discrimination

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### **Senate Majority To Advance Legislative Package To Combat Housing Discrimination**

(Albany, NY) Today, the Senate Democratic Majority will advance major legislation to continue addressing housing discrimination across New York State. This legislative package

was created following two [public hearings](#) on housing discrimination that included 25 [subpoenas](#), and in response to legislative suggestions outlined in the Senate Majority's 97-page [investigative report](#) on fair housing and discrimination on Long Island released on January 27, 2021. The bills advanced will implement fair housing practices, implicit bias training, compensatory relief to victims of housing discrimination, create an anti-discrimination housing fund, and increase required training.

"There is no place in New York for housing discrimination and predatory practices," **Senate Majority Leader Andrea Stewart-Cousins** said. "Buying a new home should be a special achievement in a person's life without the risk of becoming a victim of abhorrent discrimination. I am proud of the Democratic Majority Conference for holding these hearings and issuing an extensive report that has led this continued swift action to end these discriminatory practices and hold bad actors accountable."

**Chair of the Senate Committee on Housing, Construction and Community Development and Bill Sponsor, Senator Brian Kavanagh**, said, "I am very proud of this legislative package, which includes much needed reforms to ensure effective implementation and compliance with New York State's fair housing laws. The need for this legislation was evident during our hearings in response to Newsday's Long Island Divided exposé, which detailed the very troubling and apparently widespread discriminatory practices that occurred on Long Island, and undoubtedly in other parts of the state. It is my hope that this legislation—and the administrative reforms we proposed in our recent investigation—will usher in a new era of equity and justice for homebuyers and renters, and transparency and accountability in the housing industry, for the benefit of all of our communities. I thank Senator Skoufis and Senator Thomas, who co-chaired our hearings and investigation, Leader Stewart-Cousins, all of the bills' sponsors, and all my colleagues for supporting this essential work."

**Chair of the Senate Committee on Investigations and Government Operations and Bill Sponsor, Senator James Skoufis**, said, "This package of bills is the months-long culmination of efforts to address housing discrimination throughout New York, prompted by Newsday's exposé. In collaboration with my colleagues and the Majority Leader, our investigative report identifies precisely how bias manifests in the homebuying process and develops specific legislative solutions to strengthen fair housing in our state. Most importantly, these bills represent a significant step forward in our ongoing effort to ensure all New Yorkers are treated with dignity, respect, and equality."

**Chair of the Senate Committee on Consumer Protection and Bill Sponsor, Senator Kevin Thomas**, said, "Fair housing is a right shared by all New Yorkers. What Newsday uncovered in their 2019 investigation was eye-opening, tangible evidence of unequal treatment, steering, and bias directed at minority homebuyers and minority communities on Long Island. In response, the New York State Senate Majority is taking action to combat discrimination and hold those who perpetuate it accountable. I am proud to sponsor new legislation that will provide much-needed oversight and accountability measures for real estate brokers, as well as increased penalties for violations of fair housing and human rights laws. With this package of legislation, we are sending the message loud and clear: Discrimination has no place in our communities."

The legislation advanced by the Senate Democratic Majority includes:

- **Annual Covert Fair Housing Testing:** This legislation, Senate Bill [S.112](#) sponsored by Senator Anna Kaplan, requires the attorney general to conduct annual covert fair housing testing to assess compliance with fair housing laws throughout New York State.
  - "Fair housing testing" would include annual covert investigations conducted for the purpose of comparing how members and non-members of a protected class are treated

when they are otherwise similarly situated (similar to federal pair testing), and gathering evidence of compliance with fair housing provisions pursuant to Human Rights Law.

- **Implicit Bias Training:** This legislation, Senate Bill [S.538B](#) sponsored by Senator Anna Kaplan, requires real estate brokers and salespersons to receive implicit bias training as part of their license renewal process.
- **Compensatory Damages:** This legislation, Senate Bill [S.715](#) sponsored by Senator Kevin Thomas, compels the Commissioner of the Division of Human Rights to award compensatory damages, punitive damages, or other relief to victims of housing discrimination.
- **Anti-Discrimination Housing Fund:** This legislation, Senate Bill [S.945B](#) sponsored by Senator Jim Gaughran, would increase the maximum fine imposed by the Department of State on real estate licensees to \$2,000, and direct fifty percent of the fine collected to a newly created Anti-Discrimination in Housing Fund to be used by the Attorney General for fair housing testing and other grants to local agencies and non-profits to fight housing discrimination.
- **Affirmatively Further Fair Housing:** This legislation, Senate Bill [S.1353](#) sponsored by Senator Brian Kavanagh, establishes the State's Obligation to "Affirmatively Further Fair Housing" - Directs the commissioner and heads of all housing agencies to establish and administer housing programs in a manner that affirmatively further fair housing.
- **Identify Brokers:** This legislation, Senate Bill [S.1448](#) sponsored by Senator Brad Hoylman, would require that real estate salespersons and real estate brokers licensed by the Department of State legibly write their name and license number whenever required to sign a document to make it easier to identify brokers.

- **Increases Required Training:** This legislation, Senate Bill [S.2132B](#) sponsored by Senator James Skoufis, requires additional testing and training for initial licensing of brokers and salespeople, including specific courses on fair housing laws, the legacy of segregation, and anti-bias training, and requires licensing course faculty to certify that curriculum complies with Department of State regulations.
- **Standardized Client Procedures:** This legislation, Senate Bill [S.2131A](#) sponsored by Senator James Skoufis, requires standardized client intake procedures for real estate brokers.
- **Surcharge to Cover Costs of Fair Housing Initiatives:** This legislation, Senate Bill [S.2133A](#) sponsored by Senator James Skoufis, adds a surcharge to the fee paid for issuing or reissuing a real estate broker or salesmen license and directs the new funds to be used for fair housing testing by the Attorney General.
- **Statutory Obligations of Oversight:** This legislation, Senate Bill [S.2157A](#) sponsored by Senator Kevin Thomas, requires associate real estate brokers serving as real estate officer managers to exercise supervision over other associate brokers and real estate salesmen.
- **Client Demographic Data:** This legislation, Senate Bill [S.2525A](#) sponsored by Senator Brian Kavanagh, requires real estate brokers to compile client demographic data and submit it to the secretary of state.

**Bill Sponsor, Senator Jim Gaughran,** said, "Long Island has a long and tragic history of racial discrimination that won't be solved overnight. But my colleagues in the Senate Majority and I are committed to addressing it, and to prohibiting racist practices like 'steering' that are unfortunately far too common in Long Island's housing industry, as uncovered by Newsday's bombshell report. Last year, we swiftly passed my proposal into law to allow NYS to revoke the licenses of real estate agents who violate NYS Human Rights Law. Now, we are taking the next steps, with a comprehensive legislative package that includes my legislation

to fund a newly created Anti-Discrimination in Housing Fund to keep us moving towards our goal of a fair and equitable society."

**Bill Sponsor, Senator Brad Hoylman**, said, "More than 50 years after the Fair Housing Act made housing discrimination illegal in this country, it's outrageous that this shameful practice continues to be a problem in New York State. I'm proud to be part of a Senate Majority that is taking bold action to address housing discrimination. The legislation we pass today would ensure the Attorney General's office conducts covert fair housing testing, requires implicit bias training for real estate brokers, and so much more. Thanks to the leadership of Senate Majority Leader Andrea Stewart-Cousins, and the investigative work conducted by Senators Kavanagh, Skoufis and Thomas, our conference is taking bold action to expand equality in housing and working to end America's shameful history of racism and segregation."

**Bill Sponsor, Senator Anna Kaplan**, said "Many Long Islanders consider homeownership part of their American Dream, but we know that minority homebuyers in our community aren't always being treated fairly when they're looking to buy a home and start a family. It's going to take a lot of work to address this problem, including better education for real estate professionals, and stronger enforcement of fair housing laws, but it's something we must do in order to protect the American Dream for all of our neighbors."

In November 2019, Newsday released an [investigative report](#) proving that Black home buyers were being discriminated against. Their report found that real estate agents provided an average of 50 percent more listings than they gave to black counterparts – 39 compared with 26. In response, the legislature took swift action to [pass](#) Senate Bill S.6874A, sponsored by Senator Gaughran, to penalize licensed real estate brokers and salespersons by revoking or suspending their licenses, or issuing a fine if they violate the Human Rights Law, which includes housing discrimination.

**Senate Deputy Majority Leader Michael Gianaris** said, “Every New Yorker deserves a high quality, safe, and affordable place to live - that's a value the Senate Majority takes seriously, and that's why I am proud to support this critical legislation.”

**Senator Jamaal Bailey** said, “Housing discrimination in our state has been an ongoing issue. We have seen far too many cases of families of color being denied services and treated in a disrespectful manner. I am proud to be a part of a conference that prioritizes this issue. Every New Yorker should be entitled to equal opportunity to have a roof over their head without fear of discrimination or bad actors. I would like to thank Majority Leader Andrea Stewart-Cousins and Housing Committee Chair Senator Brian Kavanagh for their leadership, and my fellow colleagues who sponsored legislation for this package.”

**Senator Alessandra Biaggi** said, “Housing discrimination is a serious form of racial injustice — and perpetuates segregation and economic inequality in our society. I am proud to join my colleagues to pass this legislative package in an effort to bolster our fair housing laws and hold the real estate industry accountable for any violations. Housing is a basic human right, and every New Yorker deserves fair and equitable access.”

**Senator John Brooks** said, “Inherent and systemic racism continues to be an ugly reality that must be confronted and ended. The alarming revelations by the Newsday investigation, and Senate hearings, into Long Island's housing market demonstrate the need for government action. I am proud to help advance this legislation, and I will continue my efforts to ensure all Long Islanders, and all New Yorkers, have equal access to the American dream of home ownership.”

**Senator Samra Brouk** said, “Fair access to housing is essential to the health, safety, and economic security of our communities. This legislative package strengthens anti-bias training, data collection, housing costs, and more, which will promote housing equity for all

New Yorkers. The devastating legacy of redlining and other discriminatory housing practices across the state, including in the 55th District, has meant that many in our communities have lacked access to safe, affordable housing. These important new measures will ensure that everyone who calls New York home can do so equitably.”

**Senator Jeremy Cooney** said, “In Rochester, we’re unfortunately too familiar with the racist practices of redlining and housing discrimination. By increasing the civil penalties for these discriminatory practices, we are sending a clear message that our neighborhoods shall be inclusive and welcoming. I am proud to be part of a Senate that fights for fair housing for all New Yorkers.”

**Senator Pete Harckham** said, “As we work toward a more equitable society, housing discrimination remains to be a major problem in too many communities around the state. The new package of legislation passed by the Senate to affirmatively further fair housing acknowledges that the status quo simply upheld long standing biases, and that positive changes in the real estate industry were necessary.”

**Senator Robert Jackson** said, “Housing is a human right, and housing discrimination denies people that right. The legislation we passed today acknowledges the historic and present-day injustices that target people of color seeking to find a home in New York State. It also shows our ability to work together as a Senate Majority to address the issues and concerns of marginalized people across the state, whether it be upstate in the Hudson Valley, on Long Island, or in New York City. I’m proud of our work today and thank all the bill sponsors for drafting this responsive legislation that upholds fair housing statewide.”

**Senator Liz Krueger** said, “The shameful history of housing discrimination in our country and our state is well known; and, thanks to invaluable investigative journalism and the work of my legislative colleagues, we know that these abhorrent practices have continued right up to



the present. Enough is enough. All people must know that they are welcome to live in any part of our state, and today's package of bills are an important step in breaking down some of the hidden barriers of prejudice that stand in the way of a fully inclusive New York."

**Senator Elijah Reichlin-Melnick** said, "Housing discrimination has a long and terrible history in this country, one that did not end when the Civil Rights Act was signed. The recent report from the Senate Committee on Investigations & Government Operations revealed that racial discrimination in housing was still actively harming Black, Hispanic, and Asian New Yorkers and perpetuating segregating neighborhoods. Passing this legislative package will continue to move New York along the path of progress towards our goal of a society where housing discrimination is a thing of the past."

**Senator Sean Ryan** said, "The economic fallout from the pandemic and the movement for social justice have amplified the need to revise and strengthen our fair housing laws. This legislation seeks to hold unscrupulous landlords and real estate brokers accountable for discriminatory practices that have for far too long prevented New Yorkers from having a fair opportunity to live in the house, apartment, and neighborhood of their choice. Policies like redlining may have been officially banned long ago, but discriminatory housing practices still run deep throughout New York State. By increasing home ownership and supporting minority homebuyers and renters, we can move our state forward and end the legacy of segregationist policies."

**Senator James Sanders Jr.** said, "This legislative package will collectively ensure that fair housing is available for tenants and property owners alike and that discriminatory practices are eliminated wherever and whenever possible."

**Senator Luis Sepúlveda** said, "Today's passage of legislation addressing housing discrimination is central to our role in protecting and enforcing fair housing laws for all New Yorkers. For real estate brokers and sales agents to knowingly and systematically use widespread

discriminatory and predatory practices within the housing market, excluding Black people and other persons of color in housing and mortgage lending is shameful and denies New Yorkers their right to equal access to housing opportunities. We will not tolerate any form of discrimination and racial inequity here in New York State. This package reinforces fair housing laws through testing, requires implicit bias training as part of their license renewal process, and increases penalties and broader accountability, ensuring all prospective buyers and renters are treated equally with dignity and respect.”

**Senator Toby Ann Stavisky** said, “This legislative package helps to address the decades of damage caused by discriminatory practices in our communities. It is not enough for New York to simply condemn these actions, we need to recognize the lasting negative effects they have on many people and actively work to build more inclusion into our neighborhoods. Fighting for housing equality and deterring those who try to discriminate not only enriches our communities, but provides more people access to educational and employment opportunities they may not have otherwise had.”

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