



NEW YORK STATE SENATOR

Kevin Thomas

## Senator Kevin Thomas And Senate Majority Advance Legislation to Combat Housing Discrimination

KEVIN THOMAS February 8, 2021

| ISSUE: **HOUSING DISCRIMINATION, FAIR HOUSING, LONG ISLAND, REAL ESTATE INDUSTRY**

| COMMITTEE: **CONSUMER PROTECTION**



(Albany, NY) - Senator Kevin Thomas, together with the Senate Majority, voted to 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.

The legislative measures include:

- **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.
- **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.
- **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.
- **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 Kavanaugh, 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 Fee:** 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.

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."

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#### RELATED LEGISLATION

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### **2021-S2157A**

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate

- ◦ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to associate real estate brokers serving as real estate office managers

January 20, 2021

Signed by Governor

Sponsored by [Kevin Thomas](#)

Do you support this bill?

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## 2021-S715

Fair Housing, Real Estate, Real Estate Brokers

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- Introduced
- ◦ In Committee Assembly
  - In Committee Senate
- ◦ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to enforcement of fair housing

January 04, 2021

In Assembly Committee

Sponsored by **Kevin Thomas**

Do you support this bill?