



NEW YORK STATE SENATOR

Brian Kavanagh

## Here Are the Eleven Bills Kavanagh & the Senate Majority Passed to Stop Housing Discrimination

BRIAN KAVANAGH February 8, 2021

| ISSUE: **FAIR HOUSING, HOUSING, HOMEOWNERS, DISCRIMINATION, REAL ESTATE**



---

On February 11, 2021, the Senate passed eleven bills that work to combat housing discrimination.

Announcing the legislation with the Senate Majority, Senator Brian Kavanagh, Chair of the Senate Committee on Housing, Construction and Community Development, 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.”

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 fair housing testing to assess compliance with fair housing laws throughout New York State. Fair housing testing would include 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, 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 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.

- 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.

###