



NEW YORK STATE SENATOR

Anna M. Kaplan

Senate Passes Kaplan Bills to Combat Housing Discrimination

SEAN COLLINS February 8, 2021

| ISSUE: **FAIR HOUSING, CONSUMER PROTECTION, CIVIL RIGHTS, FIGHTING RACISM, REAL ESTATE INDUSTRY**



Kaplan bills to mandate anti-bias training for real estate professionals and enforce fair housing laws through covert testing pass with near-unanimous votes

<<HD Video and photos of Senator Kaplan speaking on the bills from the Senate Chamber available for download and publication here>>

CARLE PLACE, NY (February 8, 2021) - Today, the New York State Senate Democratic Majority advanced major legislation to continue addressing housing discrimination across

Long Island and New York State, including two bills written by **Senator Anna M. Kaplan** (D-Great Neck). 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.

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."

Legislation sponsored by Senator Kaplan that passed today will require:

- **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.

- *More background, and video of hearings on this topic [available here](#).*

Additional legislation passed by the Senate Majority and supported by Senator Kaplan includes:

- **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.

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.

RELATED LEGISLATION

2021-S112

[Fair Housing](#), [Fair Housing Act](#), [Fair Housing](#); [Consumer Protection](#); [Civil Rights](#); [Fighting Racism](#); [Long Island](#)

-
- 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
 -

Requires annual fair housing testing

December 18, 2020

In Assembly Committee

Sponsored by [Anna M. Kaplan](#)

Do you support this bill?

2021-S538B

Real Estate, real estate agents, Real Estate Brokers, Implicit bias, Real Estate Industry

-
- Introduced
 - - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate
 - - Passed Assembly
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Requires real estate brokers and salespersons to receive implicit bias training as part of their license renewal process

January 04, 2021

Signed by Governor

Sponsored by [Anna M. Kaplan](#)

Do you support this bill?

2021-S715

[Fair Housing](#), [Real Estate](#), [Real Estate Brokers](#)

-
- 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?

2021-S945B

- 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
-

Establishes the anti-discrimination in housing fund and allocates moneys from fines thereto

January 05, 2021

Signed by Governor

Sponsored by James Gaughran

Do you support this bill?

2021-S1353

- 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 establishing an obligation to affirmatively further fair housing

January 11, 2021

Signed by Governor

Sponsored by **Brian Kavanagh**

Do you support this bill?

2021-S1448

- 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
-

Requires certain signatures on real estate documents

January 12, 2021

In Senate Committee [Judiciary](#)

Sponsored by [Brad Hoylman-Sigal](#)

Do you support this bill?

2021-S2132B

- 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
-

Increases required training for real estate brokers and real estate salespeople to prevent discrimination

January 19, 2021

Signed by Governor

Sponsored by James Skoufis

Do you support this bill?

2021-S2131A

- 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 requiring the secretary of state to promulgate regulations requiring real estate brokers to institute standardized operating procedures for the prerequisites prospective homebuyers shall meet

January 19, 2021

Signed by Governor

Sponsored by James Skoufis

Do you support this bill?

2021-S2133A

- 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
-

Adds a surcharge to the fee paid for issuing or reissuing a real estate broker or salesmen license

January 19, 2021

Signed by Governor

Sponsored by James Skoufis

Do you support this bill?

2021-S2157A

- 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?

2021-S2525A

- 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
-

Requires real estate brokers and salespersons to compile and disclose client demographic data to the secretary of state

January 21, 2021

In Assembly Committee

Sponsored by Brian Kavanagh

Do you support this bill?