

# STATE OF NEW YORK

781

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. GOUNARDES -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the real property law, in relation to sale or rent of illegally converted dwellings

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The real property law is amended by adding a new section  
2 443-b to read as follows:

3 § 443-b. Sale or rent of property violating illegal conversion rules.  
4 No real estate broker, agent or salesman shall list for sale, sell or  
5 offer to sell, or list for rent, rent or offer to rent any illegally  
6 converted dwelling. For the purposes of this section, an illegal conver-  
7 sion shall mean any change in the structural parts or existing facili-  
8 ties of any building, including, but not limited to, the subdivision of  
9 rooms, or erection or demolition of walls, or the moving of any building  
10 from one location or position to another, in violation of any state or  
11 local law, ordinance, code or rule or regulation relating to real prop-  
12 erty, buildings or multiple dwellings.

13 § 2. Paragraph (a) of subdivision 1 of section 441-c of the real prop-  
14 erty law, as amended by chapter 131 of the laws of 2020, is amended to  
15 read as follows:

16 (a) The department of state may revoke the license of a real estate  
17 broker or salesman or suspend the same, for such period as the depart-  
18 ment may deem proper, or in lieu thereof may impose a fine not exceeding  
19 one thousand dollars payable to the department of state, or a reprimand  
20 upon conviction of the licensee of a violation of any provision of this  
21 article, or for a material misstatement in the application for such  
22 license, or if such licensee has been guilty of fraud or fraudulent  
23 practices, or for dishonest or misleading advertising, or has demon-  
24 strated untrustworthiness or incompetency to act as a real estate broker

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 or salesman, or for a violation of article fifteen of the executive law  
2 committed in his or her capacity as a real estate broker or salesman, as  
3 the case may be. Upon a finding that a broker, agent or salesman has  
4 violated the provisions of section four hundred forty-three-b of this  
5 article, the department shall impose a fine of ten thousand dollars for  
6 a first violation and a fine of fifteen thousand dollars for a second  
7 violation. Upon a third violation of such section the department shall  
8 revoke the license issued under this article. In the case of a real  
9 estate broker engaged in the business of a tenant relocater, untrustwor-  
10 thiness or incompetency shall include engaging in any course of conduct  
11 including, but not limited to, the interruption or discontinuance of  
12 essential building service, that interferes with or disturbs the peace,  
13 comfort, repose and quiet enjoyment of a tenant.  
14 § 3. This act shall take effect immediately.