

The Department of State (the “Department”) is proposing to amend Section 175.17 of Title 19 of the NYCRR as indicated below.

Please refer to the November 23, 2022, edition of the State Register, [available on the Department’s website](#), for additional information relating to this proposal.

Public comments to this proposal will be accepted until January 23, 2023. Members of the public wishing to provide public comment can email: david.mossberg@dos.ny.gov or send written comments to: NYS Department of State, 123 William Street 20th Floor, New York, NY 10038, Attn: David Mossberg.

[Brackets] indicate deletion.
Underlining indicates addition.

19 NYCRR Section 175.17 is amended as follows:

(a)

(1) No broker or salesperson shall induce or attempt to induce an owner to sell or lease any residential property or to list same for sale or lease by making any representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, age, sex, sexual orientation, disability, gender identity, military status, familial status or any other protected category under any Federal, State or local law applicable to the activities of real estate licensees in New York State.

(2)

(i) No licensed real estate broker or salesperson shall solicit the sale, lease, or the listing for sale or lease of residential property after such licensee has received written notice from an owner thereof that such owner or owners do not desire to sell, lease, or list such property.

(ii) Notice provided under the provisions of this subdivision to a real estate broker shall constitute notice to all associate brokers and salespersons who are employed by the real estate broker.

(3)

(i) No licensed real estate broker or salesperson shall solicit the sale, lease, or the listing for sale or lease of residential property from an owner of residential property located in a designated cease-and-desist zone if such owner has filed a cease-and-desist notice with the Department of State indicating that such owner or owners do not desire to sell, lease, or list their residential property and do not desire to be solicited to sell, lease, or list their residential property.

(ii) The following geographic areas are designated as cease-and-desist zones, and, unless sooner redesignated, the designation for the following cease-and-desist zones shall expire on the following dates:

[
Zone

Expiration Date

County of Bronx

October 1, 2022

Within the County of Bronx as follows:

The sections of the area of land in the County of Bronx, City of New York, within the neighborhood commonly referred to as Country Club, and more specifically bounded by and described as follows:

All the land west of the Eastchester Bay south of Griswold Avenue to Bruckner Expressway; thence southerly along the Bruckner Expressway/Throgs Neck Expressway to Layton Avenue; then easterly to the Eastchester Bay.

Zone

Expiration Date

County of Queens

October 1, 2022

Within the County of Queens as follows:

The sections of the area of land in the County of Queens, City of New York, within the neighborhood commonly referred to as College Point, and more specifically bounded by and described as follows:

Beginning at the intersection of interstate 678 and the East River; thence southerly along interstate 678 to the intersection of interstate 678 and 14th Avenue; thence westerly along 14th Avenue to College Point Boulevard; thence southerly along College Point Boulevard to 28th Avenue; thence westerly to Flushing Bay; thence northeasterly along Flushing Bay and the East River to the point of the beginning.

The sections of the area of land in the County of Queens, City of New York, within the neighborhoods commonly referred to as: Bay Side, Bay Terrace and Murray Hill, and more specifically bounded by and described as follows:

Beginning at the intersection of the Cross Island Parkway and 149th Street; thence southerly along 149th Street to 46th Avenue; thence easterly along 46th Avenue and continuing along Hollis Court Boulevard to interstate 495; thence easterly along interstate 495 to the Cross Island Parkway; thence northerly along the Cross Island Parkway to the point of the beginning.]

Zone

Expiration Date

County of Rockland

July 1, 2023

Within the County of Rockland as follows:

The area of land situated in the County of Rockland that currently comprises the Incorporated Village of Chestnut Ridge in its entirety. The Village of Chestnut Ridge is more specifically located within the Town of Ramapo, north of the State of New Jersey and the Town of Orangetown; east of the Village of Airmont; south of the Village of Spring Valley; and west of the Towns of Clarkstown and Orangetown.

Zone

Expiration Date

County of Kings

November 1, 2025

Within the County of Kings as follows:

Beginning at the Queens border of Brooklyn to the east and the intersection of Jamaica Avenue to the north; thence westerly along Jamaica Avenue to Pennsylvania Avenue; thence southerly along Pennsylvania Avenue to Sutter Avenue; thence westerly on Sutter Avenue to Van Sinderen Avenue to the west; thence southerly along Van Sinderen Avenue to Linden Boulevard to the south; thence easterly along Linden Boulevard to the Queens border; thence northerly along the border to the point of the beginning on Jamaica Avenue.

Zone

Expiration Date

County of Kings

July 1, 2028

Within the County of Kings as follows:

The sections of the area of land in the County of Kings, City of New York, within the

neighborhood commonly referred to as Community Board 17, and more specifically bounded by and described as follows: Beginning at the intersection of Utica Avenue and Clarkson Avenue; thence westerly along Clarkson Avenue to East 43rd Street; thence southerly along East 43rd Street to Linden Boulevard; thence westerly along Linden Boulevard to Rogers Avenue; thence southerly along Rogers Avenue to Snyder Avenue; thence westerly along Snyder Avenue to Bedford Avenue; thence southerly along Bedford to Foster Avenue; thence easterly along Foster Avenue to New York Avenue; thence southerly along New York Avenue to Farragut Road; thence westerly along Farragut Road to East 32nd Street; thence southerly along East 32nd Street to Avenue H; thence easterly along Avenue H to Brooklyn Avenue; thence northerly along Brooklyn Avenue to Glenwood Road; thence easterly along Glenwood Road to Albany Avenue; thence northerly along Albany Avenue to Farragut Road; thence easterly along Farragut Road to Schenectady Avenue; thence northerly along Schenectady Avenue to Avenue D; thence easterly along Avenue D to Ditmas Avenue; thence continuing easterly along Ditmas Avenue to Rockaway Parkway, thence northwesterly along Rockaway Parkway to East New York Avenue; thence southwestly along East New York Avenue to Utica Avenue; thence southerly along Utica Avenue to the point of the beginning at the intersection of Utica Avenue and Clarkson Avenue.

(iii) The names and addresses of owners who have filed a cease-and-desist notice with the Department of State shall be compiled according to the street address for each cease-and-desist zone. Following the first compilation of a list, the list shall be revised and updated annually on or before December 31st. Individual lists shall be identified by geographic area and year.

(iv) A copy of each cease-and-desist list shall be available for inspection at the following offices of the Department of State:

Department of State Division of Licensing Services 99 Washington Avenue Albany, New York 12231-0001

Department of State Division of Licensing Services State Office Building Annex 164 Hawley Street Binghamton, New York 13901-4053

Department of State Division of Licensing Services 65 Court Street Buffalo, New York 14202-3471

Department of State Division of Licensing Services Hughes State Office Building Syracuse, New York 13202-1428

Department of State Division of Licensing Services State Office Building Veterans Memorial Highway Hauppauge, New York 11788-5501

Department of State Division of Licensing Services 123 William Street New York, New York 10038-3804

(v) The cost of each list compiled pursuant to this subdivision shall be \$10 and shall be available upon written request to the following address:

Department of State Division of Licensing Services 123 William Street New York, New York

10038-3804

(vi) The original cease-and-desist notice shall be filed with the Department of State's Division of Licensing Services at 123 William Street, New York, New York 10038-3804, and shall be available for public inspection and copying upon written request and appointment.

(vii) For the purposes of Real Property Law, section 441-c, it shall not be a demonstration of untrustworthiness or incompetence for a licensee to solicit an owner who had filed a cease-and-desist notice with the Department of State if the owner's name and address do not appear on the current cease-and-desist list compiled by the Department of State pursuant to subparagraph (iii) of this paragraph.

(4)

(i) For the purposes of this subdivision, solicitation shall mean an attempt to purchase or rent or an attempt to obtain a listing of property for sale, for rent or for purchase. Solicitation shall include but not be limited to use of the telephone, mails, delivery services, personal contact or otherwise causing any solicitation, oral or written, direct or by agent:

(a) to be delivered or presented to the owner or anyone else at the owner's home address;

(b) to be left for the owner or anyone else at the owner's home address; or

(c) to be placed on any vehicle, structure or object located on the owner's premises.

(ii) Solicitation shall not include classified advertising in regularly printed periodicals that are not primarily real estate related; advertisements placed in public view if they are not otherwise in violation of this subdivision; or radio and television advertisements.

(5) For the purposes of this subdivision, residential property shall mean one-, two- or three-family houses, including a cooperative apartment or condominium.

(b) No real estate broker or salesperson shall engage in an unlawful discriminatory practice, as proscribed by any Federal, State or local law applicable to the activities of real estate licensees in New York State. A finding by any Federal, State or local agency or court of competent jurisdiction that a real estate broker or salesperson has engaged in unlawful discriminatory practice in the performance of licensed real estate activities shall be presumptive evidence of untrustworthiness and will subject such licensee to discipline, including a proceeding for revocation. Nothing herein shall limit or restrict the department from otherwise exercising its authority pursuant to section 441-c of the Real Property Law.