

MEMORANDUM IN OPPOSITION

Int. 2047

September 9, 2021

Dear Council Member:

On behalf of the New York State Association of REALTORS®, which represents more than 64,000 licensed real estate professionals statewide, including over 13,000 members residing in New York City, we write in opposition to Int. 2047 sponsored by Council Member Levin. This bill would prohibit housing discrimination in rentals, leases, subleases, or occupancy agreements in New York City, on the basis of arrest or criminal record. Landlords and real estate brokers would be prohibited from inquiring about criminal record information at any stage in the process.

REALTORS® recognize that all people need decent and safe housing, including those with criminal records. Many of our members have helped those previously involved with the criminal justice system access housing. Simply eliminating a key element of screening applicants for housing hurts other tenants by possibly placing them in dangerous situations.

The REALTORS® request that Int. 2047 be amended to allow for more balance in the bill that considers the rights of other tenants and the property owner as well as the implicit liability placed on real estate licensees and landlords due to this legislation. Other jurisdictions such as New Jersey, Oakland, and Detroit, to name just a few, have created mechanisms in their fair chance housing laws to allow for reasonable screening where necessary, but also provide for protection from discrimination and a path for individuals to find decent housing.

Allowing real estate professionals to access certain criminal history information does not mean those with criminal backgrounds will be automatically discriminated against. The ability to conduct a background check is essential to helping agents and brokers navigate the housing landscape and needs of applicants in a city as complex as New York.

REALTORS® support fair housing, most recently working with state lawmakers in passing significant fair housing reforms as well as working to expand access to housing through legislation like coop transparency in various counties throughout the State. REALTORS® stand ready to work with the New York City Council to find common ground on the housing needs of all New Yorkers, including those with criminal records.

For the above stated reasons, the New York State Association of REALTORS® strongly opposes Int. 2047 by Councilmember Levin in its current form.

David Legaz
President

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