

June 7, 2023

**Via Email:**

Hon. Andrea Stewart-Cousins, Temporary President and Majority Leader  
New York State Senate  
Legislative Office Building, Room 907  
188 State Street  
Albany, NY 12247

Hon. Carl Heastie, Speaker  
New York State Assembly  
Legislative Office Building, Room 932  
188 State Street  
Albany, NY 12247

Majority Leader Stewart-Cousins and Assembly Speaker Heastie,

As advocates, legal service providers, and members of communities that have been greatly impacted by deed theft and related frauds, we urge you to pass S.6569(Myrie)/(introduction pending in the Assembly), which relates to the theft of real property. Among other meaningful changes, this bill would explicitly create the crime of deed theft and ensure that existing criminal penalties apply to scammers who engage in this predatory conduct.

As a coalition of groups that primarily serve communities of color, we understand the negative impacts that over-policing and mass incarceration have had on our communities and, as you likely do, we generally oppose increasing criminal penalties. However, we view the crime of deed theft very differently.

The dynamics of power and resources that underlie so many of the problems with the criminal justice system are reversed in cases of deed theft. Deed theft is generally perpetrated by sophisticated thieves who use their knowledge of the law and housing finance to prey on unwitting or vulnerable homeowners, many of whom are experiencing financial distress. Moreover, the same communities that suffered under decades of over-policing and overincarceration are most often victimized by the scourge of deed theft. Data detailing the geographic locations of deed theft in New York City for the last several years paints a clear picture of how fraudsters target homes that are located in communities of color. Finally, the crime of deed theft would not actually increase potential criminal penalties for deed thieves. Instead, it would set penalties at exactly the same level of the crimes already charged in these cases while establishing elements that are directly aimed at the conduct in question and eliminating some of the administrative hurdles that currently hinder deed theft cases.

We have represented and worked with victims of deed theft for years, and we can tell you unequivocally that prosecutors lack adequate tools to combat this rapacious fraud. This lack of meaningful repercussions emboldens scammers, who have stolen millions of dollars in property and promise from some of the most at-risk communities in New York with impunity.

There are several important reasons why the interests of justice call for improving the criminal law to better address deed theft. Unlike other crimes, failing to strengthen protections against deed theft leaves our communities more vulnerable – not less. We urge you to pass these needed protections for homeowners and our communities.

Sincerely,

**Access Justice Brooklyn**

**Brooklyn Legal Services Corp. A**

**Brooklyn Neighborhood Services CDC**

**Center for Law and Social Justice at  
Medgar Evers College, CUNY**

**Center for NYC Neighborhoods**

**Chhaya Community Development  
Corporation**

**Crown Heights North Association, Inc.**

**Churches United for Fair Housing**

**Cypress Hills Local Development  
Corporation**

**Housing and Family Services of Greater  
New York**

**IMPACCT Brooklyn**

**Neighborhood Housing Services of  
Brooklyn CDC**

**Neighborhood Housing Services of Queens  
CDC**

**Neighborhood Housing Services of Staten  
Island**

**Neighborhood Restore Housing  
Development Fund Corporation**

**New York Communities for Change**

**New York Housing Conference**

**New York Legal Assistance Group**

**Queens Volunteer Lawyers Project**

**RiseBoro Community Partnership, Inc.**