

# STATE OF NEW YORK

8986

## IN SENATE

September 18, 2020

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

AN ACT to amend the real property law, in relation to requiring real estate brokers and salespersons to receive implicit bias training as part of their license renewal process

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

1 Section 1. Paragraph (a) of subdivision 3 of section 441 of the real  
2 property law, as amended by chapter 320 of the laws of 2016, is amended  
3 to read as follows:

4 (a) No renewal license shall be issued any licensee under this article  
5 for any license period commencing November first, nineteen hundred nine-  
6 ty-five unless such licensee shall have within the two year period imme-  
7 diately preceding such renewal attended at least [~~twenty-two~~] twenty-  
8 four and one-half hours which shall include at least three hours of  
9 instruction pertaining to fair housing and/or discrimination in the sale  
10 or rental of real property or an interest in real property, at least two  
11 hours of instruction pertaining to implicit bias awareness and under-  
12 standing, at least one hour of instruction pertaining to the law of  
13 agency except in the case of the initial two-year licensing term for  
14 real estate salespersons, two hours of agency related instruction must  
15 be completed, and successfully completed a continuing education real  
16 estate course or courses approved by the secretary of state as to meth-  
17 od, content and supervision, which approval may be withdrawn if in the  
18 opinion of the secretary of state such course or courses are not being  
19 conducted properly as to method, content and supervision. For those  
20 individuals licensed pursuant to subdivision six of section four hundred  
21 forty-two-g of this article, in the individual's initial license term,  
22 at least eleven hours of the required [~~twenty-two~~] twenty-four and one-  
23 half hours of continuing education shall be completed during the first  
24 year of the term. Of those eleven hours, three hours shall pertain to  
25 applicable New York state statutes and regulations governing the prac-  
26 tice of real estate brokers and salespersons. To establish compliance  
27 with the continuing education requirements imposed by this section,

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

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1 licensees shall provide an affidavit, in a form acceptable to the  
2 department of state, establishing the nature of the continuing education  
3 acquired and shall provide such further proof as required by the depart-  
4 ment of state. The provisions of this paragraph shall not apply to any  
5 licensed real estate broker who is engaged full time in the real estate  
6 business and who has been licensed under this article prior to July  
7 first, two thousand eight for at least fifteen consecutive years imme-  
8 diately preceding such renewal. For purposes of this subdivision,  
9 "implicit bias" shall mean the attitudes or stereotypes that affect an  
10 individual's understanding, actions and decisions in an unconscious  
11 manner.

12 § 2. Paragraph (a) of subdivision 3 of section 441 of the real proper-  
13 ty law, as amended by chapter 392 of the laws of 2019, is amended to  
14 read as follows:

15 (a) No renewal license shall be issued any licensee under this article  
16 for any license period commencing November first, nineteen hundred nine-  
17 ty-five unless such licensee shall have within the two year period imme-  
18 diately preceding such renewal attended at least [~~twenty-two~~] twenty-  
19 four and one-half hours which shall include at least three hours of  
20 instruction pertaining to fair housing and/or discrimination in the sale  
21 or rental of real property or an interest in real property, at least two  
22 hours of instruction pertaining to implicit bias awareness and under-  
23 standing, at least two and one-half hours of instruction pertaining to  
24 ethical business practices, at least one hour of instruction pertaining  
25 to recent legal matters governing the practice of real estate brokers  
26 and salespersons in New York which may include statutes, laws, regu-  
27 lations, rules, codes, department of state opinions and decisions, and  
28 court decisions and at least one hour of instruction pertaining to the  
29 law of agency except in the case of the initial two-year licensing term  
30 for real estate salespersons, two hours of agency related instruction  
31 must be completed, and successfully completed a continuing education  
32 real estate course or courses approved by the secretary of state as to  
33 method, content and supervision, which approval may be withdrawn if in  
34 the opinion of the secretary of state such course or courses are not  
35 being conducted properly as to method, content and supervision. For  
36 those individuals licensed pursuant to subdivision six of section four  
37 hundred forty-two-g of this article, in the individual's initial license  
38 term, at least eleven hours of the required [~~twenty-two~~] twenty-four and  
39 one-half hours of continuing education shall be completed during the  
40 first year of the term. Of those eleven hours, three hours shall pertain  
41 to applicable New York state statutes and regulations governing the  
42 practice of real estate brokers and salespersons. To establish compli-  
43 ance with the continuing education requirements imposed by this section,  
44 licensees shall provide an affidavit, in a form acceptable to the  
45 department of state, establishing the nature of the continuing education  
46 acquired and shall provide such further proof as required by the depart-  
47 ment of state. For purposes of this subdivision, "implicit bias" shall  
48 mean the attitudes or stereotypes that affect an individual's under-  
49 standing, actions and decisions in an unconscious manner.

50 § 3. This act shall take effect immediately, provided, however, that  
51 section two of this act shall take effect on the same date and in the  
52 same manner as section 1 of chapter 392 of the laws of 2019, takes  
53 effect.