

# STATE OF NEW YORK

9751

## IN ASSEMBLY

February 10, 2020

Introduced by M. of A. JEAN-PIERRE -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to increasing required training for real estate brokers and real estate salespeople to prevent discrimination

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 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 five and one-half hours which shall include at least [~~three~~] six hours  
9 of instruction pertaining to fair housing and/or discrimination in the  
10 sale or rental of real property or an interest in real property, at  
11 least one hour of instruction pertaining to the law of agency except in  
12 the case of the initial two-year licensing term for real estate sales-  
13 persons, two hours of agency related instruction must be completed, and  
14 successfully completed a continuing education real estate course or  
15 courses approved by the secretary of state as to method, content and  
16 supervision, which approval may be withdrawn if in the opinion of the  
17 secretary of state such course or courses are not being conducted prop-  
18 erly as to method, content and supervision. For those individuals  
19 licensed pursuant to subdivision six of section four hundred forty-two-g  
20 of this article, in the individual's initial license term, at least  
21 eleven hours of the required [~~twenty-two~~] twenty-five and one-half hours  
22 of continuing education shall be completed during the first year of the  
23 term. Of those eleven hours, three hours shall pertain to applicable New  
24 York state statutes and regulations governing the practice of real  
25 estate brokers and salespersons. To establish compliance with the  
26 continuing education requirements imposed by this section, licensees  
27 shall provide an affidavit, in a form acceptable to the department of  
28 state, establishing the nature of the continuing education acquired and  
29 shall provide such further proof as required by the department of state.  
30 The provisions of this paragraph shall not apply to any licensed real

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

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1 estate broker who is engaged full time in the real estate business and  
2 who has been licensed under this article prior to July first, two thou-  
3 sand eight for at least fifteen consecutive years immediately preceding  
4 such renewal.

5 § 2. Paragraph (a) of subdivision 3 of section 441 of the real proper-  
6 ty law, as amended by chapter 392 of the laws of 2019, is amended as  
7 follows:

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

40 § 3. Subdivision 3 of section 441 of the real property law is amended  
41 by adding a new paragraph (e) to read as follows:

42 (e) The secretary of state shall promulgate rules establishing the  
43 content of the instruction pertaining to fair housing and/or discrimi-  
44 nation in the sale or rental of real property or an interest in real  
45 property required by paragraph (a) of this subdivision. Such instruction  
46 shall include, but not be limited to, courses on: (1) the legacy of  
47 segregation, unequal treatment, and historic lack of access to opportu-  
48 nity in housing; (2) unequal access to amenities and resources on the  
49 basis of race, disability, and other protected characteristics; (3)  
50 federal, state, and local fair housing laws; and (4) anti-bias training.

51 § 4. This act shall take effect on the first of July next succeeding  
52 the date on which it shall have become a law, provided, however, that if  
53 chapter 392 of the laws of 2019, shall not have taken effect on or  
54 before such date then section two of this act shall take effect on the  
55 same date and in the same manner as such chapter of the laws of 2019,  
56 takes effect.