

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16 supervision, which approval may be withdrawn if in the opinion of the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.