

STATE OF NEW YORK

7350

2021-2022 Regular Sessions

IN ASSEMBLY

May 6, 2021

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

AN ACT to amend the real property law, in relation to increasing certain course hours and periods of supervision for certain real estate license applications

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

1 Section 1. Paragraphs (b) and (c) of subdivision 1 of section 441 of
2 the real property law, as amended by chapter 183 of the laws of 2006,
3 are amended to read as follows:
4 (b) Such further information as the department may reasonably require
5 shall be furnished by the applicant including sufficient proof of having
6 taken and passed a written examination and answered such questions as
7 may be prepared by the department to enable it to determine the trust-
8 worthiness of the applicant if an individual, or of each member of a
9 co-partnership or each member of a limited liability company or each
10 officer of a corporation for whom a license as a broker is asked, and
11 his or their competency to transact the business of real estate broker
12 in such a manner as to safeguard the interests of the public. In deter-
13 mining competency, the department shall require proof that the person
14 being tested to qualify to apply for a broker's license has a fair know-
15 ledge of the English language, a fair understanding of the general
16 purposes and general legal effect of deeds, mortgages, land contracts of
17 sale, and leases, a general and fair understanding of the obligations
18 between principal and agent, as well as of the provisions of this
19 section. The applicant must also furnish proof that he has attended for
20 at least one hundred [~~twenty~~ **fifty** hours and has successfully completed
21 a real estate course or courses approved by the secretary of state as to
22 method and content and supervision which approval may be withdrawn if in
23 the opinion of the secretary of state said course or courses are not
24 being conducted properly as to method, content and supervision, and that

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

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1 either the applicant has actively participated in the general real
2 estate brokerage business as a licensed real estate salesman under the
3 supervision of a licensed real estate broker for a period of not less
4 than [~~two~~] five consecutive years or has had the equivalent experience
5 in general real estate business for a period of at least three years,
6 the nature of which experience shall be established by affidavit duly
7 sworn to under oath and/or other and further proof required by the
8 department of state. Computer-based and distance-learning courses may
9 be approved by the department so long as providers demonstrate the abil-
10 ity to monitor and verify participation by the applicant for the speci-
11 fied time period. Notwithstanding the foregoing authority to approve
12 computer-based and distance-learning courses, the department may
13 prescribe that specified subjects or hours must be presented in a class-
14 room setting.

15 (c) In the event the applicant shall be a licensed salesman under this
16 article and shall have submitted acceptable proof pursuant to the
17 provisions of either paragraph (d) of subdivision one-A of this section
18 or paragraph (a) of subdivision three of this section of having attended
19 and successfully completed seventy-five hours of an approved real estate
20 course or courses within eight years of the date of the application, the
21 department may accept and credit same against the one hundred [~~twenty~~]
22 fifty hours required hereunder.

23 § 2. Paragraph (d) of subdivision 1-A of section 441 of the real prop-
24 erty law, as amended by chapter 183 of the laws of 2006, is amended to
25 read as follows:

26 (d) Anything to the contrary herein notwithstanding, on and after the
27 effective date of this paragraph, no salesman's license or conditional
28 license shall be issued by the department unless the application there-
29 for has been accompanied by proof that prior to such application the
30 applicant has attended at least seventy-five hours, which shall include
31 at least six hours of instruction pertaining to fair housing and/or
32 discrimination in the sale or rental of real property or an interest in
33 real property, and successfully completed a real estate course or cours-
34 es approved by the secretary of state as to method and content and
35 supervision, which approval may be withdrawn if in the opinion of the
36 secretary of state said course or courses are not properly conducted as
37 to method, content and supervision. Computer-based and distance-learning
38 courses may be approved by the department so long as providers demon-
39 strate the ability to monitor and verify participation by the applicant
40 for the specified time period. Notwithstanding the foregoing authority
41 to approve computer-based and distance-learning courses, the department
42 may prescribe that specified subjects or hours must be presented in a
43 classroom setting.

44 § 3. This act shall take effect on the one hundred eightieth day after
45 it shall have become a law.