

STATE OF NEW YORK

538

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

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

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17 od, content and supervision, which approval may be withdrawn if in the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

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

LBD04889-01-1

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

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

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

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