

STATE OF NEW YORK

538--B

Cal. No. 225

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 392 of the laws of 2019, 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 and one-half
8 hours which shall include at least three hours of instruction pertaining
9 to fair housing and/or discrimination in the sale or rental of real
10 property or an interest in real property, at least two hours of instruc-
11 tion pertaining to implicit bias awareness and understanding, at least
12 two and one-half hours of instruction pertaining to ethical business
13 practices, at least one hour of instruction pertaining to recent legal
14 matters governing the practice of real estate brokers and salespersons
15 in New York which may include statutes, laws, regulations, rules, codes,
16 department of state opinions and decisions, and court decisions and at
17 least one hour of instruction pertaining to the law of agency except in
18 the case of the initial two-year licensing term for real estate sales-

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

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1 persons, two hours of agency related instruction must be completed, and
2 successfully completed a continuing education real estate course or
3 courses approved by the secretary of state as to method, content and
4 supervision, which approval may be withdrawn if in the opinion of the
5 secretary of state such course or courses are not being conducted prop-
6 erly as to method, content and supervision. For those individuals
7 licensed pursuant to subdivision six of section four hundred forty-two-g
8 of this article, in the individual's initial license term, at least
9 eleven hours of the required twenty-two and one-half hours of continuing
10 education shall be completed during the first year of the term. Of those
11 eleven hours, three hours shall pertain to applicable New York state
12 statutes and regulations governing the practice of real estate brokers
13 and salespersons. To establish compliance with the continuing education
14 requirements imposed by this section, licensees shall provide an affida-
15 vit, in a form acceptable to the department of state, establishing the
16 nature of the continuing education acquired and shall provide such
17 further proof as required by the department of state. For purposes of
18 this subdivision, "implicit bias" shall mean the attitudes or stere-
19 otypes that affect an individual's understanding, actions and decisions
20 in an unconscious manner.

21 § 2. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law, provided, however, that if chapter 392 of
23 the laws of 2019 shall not have taken effect on or before such date then
24 this act shall take effect on the same date and in the same manner as
25 such chapter of the laws of 2019 takes effect.