STATE OF NEW YORK

7770

IN SENATE

January 11, 2022

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

AN ACT to amend the real property law, in relation to the definition of cultural competency training for real estate brokers; and to amend a chapter of the laws of 2021 amending the real property law relating to requiring real estate brokers to receive training in cultural competency, as proposed in legislative bills numbers S.979-A and A.844-A, in relation to the effectiveness thereof

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

Section 1. Paragraph (b) of subdivision 1 of section 441 of the real property law, as amended by a chapter of the laws of 2021 amending the real property law relating to requiring real estate brokers to receive training in cultural competency, as proposed in legislative bills numbers S.979-A and A.844-A, is amended to read as follows:

(b) Such further information as the department may reasonably require shall be furnished by the applicant including sufficient proof of having taken and passed a written examination and answered such questions as may be prepared by the department to enable it to determine the trustworthiness of the applicant if an individual, or of each member of a co-partnership or each member of a limited liability company or each officer of a corporation for whom a license as a broker is asked, and his, her or their competency to transact the business of real estate broker in such a manner as to safeguard the interests of the public. In determining competency, the department shall require proof that the person being tested to qualify to apply for a broker's license has a fair knowledge of the English language, a fair understanding of the general purposes and general legal effect of deeds, mortgages, land contracts of sale, and leases, a general and fair understanding of the obligations between principal and agent, has taken a class on cultural competency training, as well as of the provisions of this section. The applicant must also furnish proof that he or she has attended for at least one hundred twenty hours and has successfully completed a real estate course or courses approved by the secretary of state as to method

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

LBD03801-04-2

and content and supervision which approval may be withdrawn if in the opinion of the secretary of state said course or courses are not being conducted properly as to method, content and supervision, and that either the applicant has actively participated in the general real estate brokerage business as a licensed real estate salesman under the supervision of a licensed real estate broker for a period of not less than two years or has had the equivalent experience in general real estate business for a period of at least three years, the nature of which experience shall be established by affidavit duly sworn to under oath and/or other and further proof required by the department of state. Computer-based and distance-learning courses may be approved by the department so long as providers demonstrate the ability to monitor and verify participation by the applicant for the specified time period. Notwithstanding the foregoing authority to approve computer-based and distance-learning courses, the department may prescribe that specified subjects or hours must be presented in a classroom setting. **For purposes of this section, cultural competency is defined as understanding cultural norms, preferences and challenges within our diverse communities.**

§ 2. Section 4 of a chapter of the laws of 2021 amending the real property law relating to requiring real estate brokers to receive training in cultural competency, as proposed in legislative bills numbers S.979-A and A.844-A, is amended to read as follows:

§ 4. This act shall take effect [~~on the one hundred twentieth day~~] **nine months** after it shall have become a law[~~; provided, however, that if chapter 392 of the laws of 2019 shall not have taken effect on or before such date then section three of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2019 takes effect~~].

§ 3. This act shall take effect immediately; provided, however, that section 1 of this act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the real property law relating to requiring real estate brokers to receive training in cultural competency, as proposed in legislative bills numbers S.979-A and A.844-A, takes effect.