

# STATE OF NEW YORK

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979--A

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

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Introduced by Sens. GAUGHRAN, COMRIE -- 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

AN ACT to amend the real property law, in relation to requiring real estate brokers to receive training in cultural competency

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

1 Section 1. Paragraph (b) of subdivision 1 of section 441 of the real  
2 property law, as amended by chapter 183 of the laws of 2006, is amended  
3 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, her or their competency to transact the business of real estate  
12 broker in such a manner as to safeguard the interests of the public. In  
13 determining competency, the department shall require proof that the  
14 person being tested to qualify to apply for a broker's license has a  
15 fair knowledge of the English language, a fair understanding of the  
16 general purposes and general legal effect of deeds, mortgages, land  
17 contracts of sale, and leases, a general and fair understanding of the  
18 obligations between principal and agent, has taken a class on cultural  
19 competency training, as well as of the provisions of this section. The  
20 applicant must also furnish proof that he or she has attended for at  
21 least one hundred twenty hours and has successfully completed a real  
22 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.

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1 and content and supervision which approval may be withdrawn if in the  
2 opinion of the secretary of state said course or courses are not being  
3 conducted properly as to method, content and supervision, and that  
4 either the applicant has actively participated in the general real  
5 estate brokerage business as a licensed real estate salesman under the  
6 supervision of a licensed real estate broker for a period of not less  
7 than two years or has had the equivalent experience in general real  
8 estate business for a period of at least three years, the nature of  
9 which experience shall be established by affidavit duly sworn to under  
10 oath and/or other and further proof required by the department of state.  
11 Computer-based and distance-learning courses may be approved by the  
12 department so long as providers demonstrate the ability to monitor and  
13 verify participation by the applicant for the specified time period.  
14 Notwithstanding the foregoing authority to approve computer-based and  
15 distance-learning courses, the department may prescribe that specified  
16 subjects or hours must be presented in a classroom setting.

17 § 2. Paragraph (a) of subdivision 3 of section 441 of the real proper-  
18 ty law, as amended by chapter 320 of the laws of 2016, is amended to  
19 read as follows:

20 (a) No renewal license shall be issued any licensee under this article  
21 for any license period commencing November first, nineteen hundred nine-  
22 ty-five unless such licensee shall have within the two year period imme-  
23 diately preceding such renewal attended at least twenty-two and one-half  
24 hours which shall include at least two hours of cultural competency  
25 training, at least three hours of instruction pertaining to fair housing  
26 and/or discrimination in the sale or rental of real property or an  
27 interest in real property, at least one hour of instruction pertaining  
28 to the law of agency except in the case of the initial two-year licens-  
29 ing term for real estate salespersons, two hours of agency related  
30 instruction must be completed, and successfully completed a continuing  
31 education real estate course or courses approved by the secretary of  
32 state as to method, content and supervision, which approval may be with-  
33 drawn if in the opinion of the secretary of state such course or courses  
34 are not being conducted properly as to method, content and supervision.  
35 For those individuals licensed pursuant to subdivision six of section  
36 four hundred forty-two-g of this article, in the individual's initial  
37 license term, at least eleven hours of the required twenty-two and one-  
38 half hours of continuing education shall be completed during the first  
39 year of the term. Of those eleven hours, three hours shall pertain to  
40 applicable New York state statutes and regulations governing the prac-  
41 tice of real estate brokers and salespersons. To establish compliance  
42 with the continuing education requirements imposed by this section,  
43 licensees shall provide an affidavit, in a form acceptable to the  
44 department of state, establishing the nature of the continuing education  
45 acquired and shall provide such further proof as required by the depart-  
46 ment of state. The provisions of this paragraph shall not apply to any  
47 licensed real estate broker who is engaged full time in the real estate  
48 business and who has been licensed under this article prior to July  
49 first, two thousand eight for at least fifteen consecutive years imme-  
50 diately preceding such renewal.

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

54 (a) No renewal license shall be issued any licensee under this article  
55 for any license period commencing November first, nineteen hundred nine-  
56 ty-five unless such licensee shall have within the two year period imme-

1 diately preceding such renewal attended at least twenty-two and one-half  
2 hours which shall include at least two hours of cultural competency  
3 training, at least three hours of instruction pertaining to fair housing  
4 and/or discrimination in the sale or rental of real property or an  
5 interest in real property, at least two and one-half hours of instruc-  
6 tion pertaining to ethical business practices, at least one hour of  
7 instruction pertaining to recent legal matters governing the practice of  
8 real estate brokers and salespersons in New York which may include stat-  
9 utes, laws, regulations, rules, codes, department of state opinions and  
10 decisions, and court decisions and at least one hour of instruction  
11 pertaining to the law of agency except in the case of the initial two-  
12 year licensing term for real estate salespersons, two hours of agency  
13 related instruction must be completed, and successfully completed a  
14 continuing education real estate course or courses approved by the  
15 secretary of state as to method, content and supervision, which approval  
16 may be withdrawn if in the opinion of the secretary of state such course  
17 or courses are not being conducted properly as to method, content and  
18 supervision. For those individuals licensed pursuant to subdivision six  
19 of section four hundred forty-two-g of this article, in the individual's  
20 initial license term, at least eleven hours of the required twenty-two  
21 and one-half hours of continuing education shall be completed during the  
22 first year of the term. Of those eleven hours, three hours shall pertain  
23 to applicable New York state statutes and regulations governing the  
24 practice of real estate brokers and salespersons. To establish compli-  
25 ance with the continuing education requirements imposed by this section,  
26 licensees shall provide an affidavit, in a form acceptable to the  
27 department of state, establishing the nature of the continuing education  
28 acquired and shall provide such further proof as required by the depart-  
29 ment of state.

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