

# STATE OF NEW YORK

2131

2021-2022 Regular Sessions

## IN SENATE

January 19, 2021

Introduced by Sen. SKOUFIS -- 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 the secretary of state to promulgate regulations requiring real estate brokers to institute standardized operating procedures for the prerequisites prospective homebuyers shall meet prior to receiving any services

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

1 Section 1. Section 442-h of the real property law is amended by adding  
2 a new subdivision 4 to read as follows:

3 4. (a) The secretary of state shall promulgate rules and regulations  
4 requiring real estate brokers to institute standardized operating proce-  
5 dures for the prerequisites prospective homebuyers must meet prior to  
6 receiving any services. Such rules and regulations shall include but not  
7 be limited to the following:

8 (i) whether prospective clients shall show identification;

9 (ii) whether an exclusive broker agreement is required; and

10 (iii) whether pre-approval for a mortgage loan is required.

11 (b) Real estate brokers shall submit such standardized operating  
12 procedures to the department of state for approval. If any alterations  
13 are made subsequent to such approval, real estate brokers shall notify  
14 and submit such new standard operating procedures within thirty days.  
15 Any salesperson operating under a brokerage license that fails to adhere  
16 to such approved operating procedures shall be subject to the penalties  
17 imposed by section four hundred forty-one-c of this article.

18 § 2. Paragraph (a) of subdivision 1 of section 441-c of the real prop-  
19 erty law, as amended by chapter 131 of the laws of 2020, is amended to  
20 read as follows:

21 (a) The department of state may revoke the license of a real estate  
22 broker or salesman or suspend the same, for such period as the depart-

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

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1 ment may deem proper, or in lieu thereof may impose a fine not exceeding  
2 one thousand dollars payable to the department of state, or a reprimand  
3 upon conviction of the licensee of a violation of any provision of this  
4 article, or for a violation of subdivision four of section four hundred  
5 forty-two-h of this article, or for a material misstatement in the  
6 application for such license, or if such licensee has been guilty of  
7 fraud or fraudulent practices, or for dishonest or misleading advertis-  
8 ing, or has demonstrated untrustworthiness or incompetency to act as a  
9 real estate broker or salesman, or for a violation of article fifteen of  
10 the executive law committed in his or her capacity as a real estate  
11 broker or salesman, as the case may be. In the case of a real estate  
12 broker engaged in the business of a tenant relocater, untrustworthiness  
13 or incompetency shall include engaging in any course of conduct includ-  
14 ing, but not limited to, the interruption or discontinuance of essential  
15 building service, that interferes with or disturbs the peace, comfort,  
16 repose and quiet enjoyment of a tenant.

17 § 3. This act shall take effect immediately.