

# STATE OF NEW YORK

2132

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 increasing required training for real estate brokers and real estate salespeople to prevent discrimination

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

1 Section 1. Subdivision 3 of section 441 of the real property law is  
2 amended by adding a new paragraph (e) to read as follows:

3 (e) The secretary of state shall promulgate rules establishing the  
4 content of the instruction pertaining to fair housing and/or discrimi-  
5 nation in the sale or rental of real property or an interest in real  
6 property required by paragraph (a) of this subdivision. Such instruction  
7 shall include, but not be limited to, courses on: (1) the legacy of  
8 segregation, unequal treatment, and historic lack of access to opportu-  
9 nity in housing; (2) unequal access to amenities and resources on the  
10 basis of race, disability, and other protected characteristics; (3)  
11 federal, state, and local fair housing laws; and (4) anti-bias training.

12 § 2. Paragraphs (b) and (c) of subdivision 1 of section 441 of the  
13 real property law, as amended by chapter 183 of the laws of 2006, are  
14 amended and a new paragraph (d) is added to read as follows:

15 (b) Such further information as the department may reasonably require  
16 shall be furnished by the applicant including sufficient proof of having  
17 taken and passed a written examination and answered such questions as  
18 may be prepared by the department to enable it to determine the trust-  
19 worthiness of the applicant if an individual, or of each member of a  
20 co-partnership or each member of a limited liability company or each  
21 officer of a corporation for whom a license as a broker is asked, and  
22 his or their competency to transact the business of real estate broker  
23 in such a manner as to safeguard the interests of the public. In deter-  
24 mining competency, the department shall require proof that the person

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

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1 being tested to qualify to apply for a broker's license has a fair know-  
2 ledge of the English language, a fair understanding of the general  
3 purposes and general legal effect of deeds, mortgages, land contracts of  
4 sale, and leases, a general and fair understanding of the obligations  
5 between principal and agent, a general and fair understanding of the  
6 laws, rules and regulations pertaining to fair housing and discrimi-  
7 nation in the sale or rental of real property or an interest in real  
8 property, as well as of the provisions of this section. The applicant  
9 must also furnish proof that he has attended for at least one hundred  
10 [~~twenty~~] fifty-two hours and has successfully completed a real estate  
11 course or courses approved by the secretary of state as to method and  
12 content and supervision which approval may be withdrawn if in the opin-  
13 ion of the secretary of state said course or courses are not being  
14 conducted properly as to method, content and supervision, and that  
15 either the applicant has actively participated in the general real  
16 estate brokerage business as a licensed real estate salesman under the  
17 supervision of a licensed real estate broker for a period of not less  
18 than two years or has had the equivalent experience in general real  
19 estate business for a period of at least three years, the nature of  
20 which experience shall be established by affidavit duly sworn to under  
21 oath and/or other and further proof required by the department of state.  
22 Computer-based and distance-learning courses may be approved by the  
23 department so long as providers demonstrate the ability to monitor and  
24 verify participation by the applicant for the specified time period.  
25 Notwithstanding the foregoing authority to approve computer-based and  
26 distance-learning courses, the department may prescribe that specified  
27 subjects or hours must be presented in a classroom setting.

28 (c) In the event the applicant shall be a licensed salesman under this  
29 article and shall have submitted acceptable proof pursuant to the  
30 provisions of either paragraph (d) of subdivision one-A of this section  
31 or paragraph (a) of subdivision three of this section of having attended  
32 and successfully completed [~~seventy-five~~] seventy-seven hours of an  
33 approved real estate course or courses, six hours of which have been  
34 focused on fair housing and discrimination in the sale or rental of real  
35 property or an interest in real property, within eight years of the date  
36 of the application, the department may accept and credit same against  
37 the one hundred [~~twenty~~] fifty-two hours required hereunder.

38 (d) The one hundred fifty-two hours of an approved real estate course  
39 or courses required by paragraph (b) of this subdivision shall include  
40 instruction on fair housing and discrimination in the sale or rental of  
41 real property or an interest in real property as described in paragraph  
42 (e) of subdivision three of this section and instruction on the licensed  
43 real estate broker's responsibility for ensuring that each licensed real  
44 estate salesman under such broker's supervision is in compliance with  
45 his or her obligations under applicable federal, state, and local laws,  
46 rules, and regulations pertaining to fair housing and discrimination in  
47 the sale or rental of real property or an interest in real property.

48 § 3. Paragraphs (b) and (d) of subdivision 1-A of section 441 of the  
49 real property law, paragraph (b) as amended by chapter 81 of the laws of  
50 1995, and paragraph (d) as amended by chapter 183 of the laws of 2006,  
51 are amended to read as follows:

52 (b) Each applicant for a salesman's license shall provide such further  
53 information as the department may reasonably require, appearing at such  
54 time and place as may be designated by the department, to take a written  
55 examination and answer such questions as may be prepared by the depart-  
56 ment to enable it to determine the trustworthiness of the applicant and

1 the applicant's competence to transact the business of real estate  
2 salesman in such a manner as to safeguard the interests of the public,  
3 including the applicant's working knowledge of the basic concepts of law  
4 pertaining to contracts, real property, agency and this article which  
5 govern conduct of such business, knowledge of laws, rules, and regu-  
6 lations pertaining to fair housing and discrimination in the sale or  
7 rental of real property or an interest in real property, mastery of  
8 basic skills needed to perform the applicant's duties, working knowledge  
9 of the ethical obligations of a real estate salesman, and knowledge of  
10 the provisions of the general obligations law pertaining to performance  
11 of the applicant's duties.

12 (d) Anything to the contrary herein notwithstanding, on and after the  
13 effective date of this paragraph, no salesman's license or conditional  
14 license shall be issued by the department unless the application there-  
15 for has been accompanied by proof that prior to such application the  
16 applicant has attended at least [~~seventy-five~~ seventy-seven hours and  
17 successfully completed a real estate course or courses approved by the  
18 secretary of state as to method and content and supervision, which  
19 approval may be withdrawn if in the opinion of the secretary of state  
20 said course or courses are not properly conducted as to method, content  
21 and supervision. Computer-based and distance-learning courses may be  
22 approved by the department so long as providers demonstrate the ability  
23 to monitor and verify participation by the applicant for the specified  
24 time period. Notwithstanding the foregoing authority to approve compu-  
25 ter-based and distance-learning courses, the department may prescribe  
26 that specified subjects or hours must be presented in a classroom  
27 setting.

28 § 4. This act shall take effect on the first of July next succeeding  
29 the date on which it shall have become a law.