

STATE OF NEW YORK

538--A

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

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 320 of the laws of 2016, 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 one hour of instruction pertaining to the law of agency except in the
13 case of the initial two-year licensing term for real estate salesper-
14 sons, two hours of agency related instruction must be completed, and
15 successfully completed a continuing education real estate course or
16 courses approved by the secretary of state as to method, content and
17 supervision, which approval may be withdrawn if in the opinion of the
18 secretary of state such course or courses are not being conducted prop-
19 erly as to method, content and supervision. For those individuals
20 licensed pursuant to subdivision six of section four hundred forty-two-g
21 of this article, in the individual's initial license term, at least
22 eleven hours of the required twenty-two and one-half hours of continuing
23 education shall be completed during the first year of the term. Of those
24 eleven hours, three hours shall pertain to applicable New York state

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

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1 statutes and regulations governing the practice of real estate brokers
2 and salespersons. To establish compliance with the continuing education
3 requirements imposed by this section, licensees shall provide an affida-
4 vit, in a form acceptable to the department of state, establishing the
5 nature of the continuing education acquired and shall provide such
6 further proof as required by the department of state. The provisions of
7 this paragraph shall not apply to any licensed real estate broker who is
8 engaged full time in the real estate business and who has been licensed
9 under this article prior to July first, two thousand eight for at least
10 fifteen consecutive years immediately preceding such renewal. For
11 purposes of this subdivision, "implicit bias" shall mean the attitudes
12 or stereotypes that affect an individual's understanding, actions and
13 decisions in an unconscious manner.

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

17 (a) No renewal license shall be issued any licensee under this article
18 for any license period commencing November first, nineteen hundred nine-
19 ty-five unless such licensee shall have within the two year period imme-
20 diately preceding such renewal attended at least twenty-two and one-half
21 hours which shall include at least three hours of instruction pertaining
22 to fair housing and/or discrimination in the sale or rental of real
23 property or an interest in real property, at least two hours of instruc-
24 tion pertaining to implicit bias awareness and understanding, at least
25 two and one-half hours of instruction pertaining to ethical business
26 practices, at least one hour of instruction pertaining to recent legal
27 matters governing the practice of real estate brokers and salespersons
28 in New York which may include statutes, laws, regulations, rules, codes,
29 department of state opinions and decisions, and court decisions and at
30 least one hour of instruction pertaining to the law of agency except in
31 the case of the initial two-year licensing term for real estate sales-
32 persons, two hours of agency related instruction must be completed, and
33 successfully completed a continuing education real estate course or
34 courses approved by the secretary of state as to method, content and
35 supervision, which approval may be withdrawn if in the opinion of the
36 secretary of state such course or courses are not being conducted prop-
37 erly as to method, content and supervision. For those individuals
38 licensed pursuant to subdivision six of section four hundred forty-two-g
39 of this article, in the individual's initial license term, at least
40 eleven hours of the required twenty-two and one-half hours of continuing
41 education shall be completed during the first year of the term. Of those
42 eleven hours, three hours shall pertain to applicable New York state
43 statutes and regulations governing the practice of real estate brokers
44 and salespersons. To establish compliance with the continuing education
45 requirements imposed by this section, licensees shall provide an affida-
46 vit, in a form acceptable to the department of state, establishing the
47 nature of the continuing education acquired and shall provide such
48 further proof as required by the department of state. For purposes of
49 this subdivision, "implicit bias" shall mean the attitudes or stere-
50 otypes that affect an individual's understanding, actions and decisions
51 in an unconscious manner.

52 § 3. This act shall take effect immediately, provided, however, that
53 section two of this act shall take effect on the same date and in the
54 same manner as section 1 of chapter 392 of the laws of 2019, takes
55 effect.