STATE OF NEW YORK

411

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. THOMAS, KAVANAGH -- 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 the duty of a licensed real estate broker to supervise real estate salespersons

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

Section 1. Section 442-c of the real property law, as amended by chapter 529 of the laws of 2022, is amended to read as follows:

§ 442-c. Violations by salespersons; **duty to supervise;** broker's responsibility. **1. A licensed real estate broker shall have a duty to exercise reasonable and adequate supervision over real estate salespersons and associate real estate brokers through regular, frequent and consistent personal guidance, instruction and oversight. Reasonable and adequate supervision shall also be determined by: the availability of the supervising broker to all salespersons and associate brokers under the supervision of the broker to review and approve all documents; the distance between the supervising broker's main location and all branch offices with salespersons and associate brokers the supervising broker oversees; and the ability of the broker to familiarize salespersons and associate brokers with the requirements of federal and state law governing real estate transactions, including, without limitation, prohibitions against discrimination.**

2. No violation of a provision of this article by a real estate salesperson or employee of a real estate broker shall be deemed to be cause for the revocation or suspension of the license of the broker, unless it shall appear that the broker had actual knowledge of such violation**, or failed to exercise reasonable and adequate supervision over the real estate salesperson or associate broker** or retains the benefits, profits or proceeds of a transaction wrongfully negotiated by their salesperson**,** **associate broker** or employee after notice of the salesperson's**, associ-**

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

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ate broker's or employee's misconduct. A broker shall be guilty of a misdemeanor for having any salesperson associated with their firm who has not secured the required license authorizing such employment.

§ 2. This act shall take effect immediately.