

STATE OF NEW YORK

3474

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. FAHY -- read once and referred to the Committee on Judiciary

AN ACT to amend the real property law, in relation to increasing the period of supervision required for certain real estate license applications

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 separately amended by sections 6 and 7 of chapter 529
3 of the laws of 2022, is amended 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 their competency to transact the business of real estate broker in such
12 a manner as to safeguard the interests of the public. In determining
13 competency, the department shall require proof that the person being
14 tested to qualify to apply for a broker's license has a fair knowledge
15 of the English language, a fair understanding of the general purposes
16 and general legal effect of deeds, mortgages, land contracts of sale,
17 and leases, a general and fair understanding of the obligations between
18 principal and agent, has taken a class on cultural competency training,
19 a general and fair understanding of the laws, rules and regulations
20 pertaining to fair housing and discrimination in the sale or rental of
21 real property or an interest in real property, as well as of the
22 provisions of this section. The applicant must also furnish proof that
23 they have attended for at least one hundred fifty-two hours and has
24 successfully completed a real estate course or courses approved by the

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

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1 secretary of state as to method and content and supervision which
2 approval may be withdrawn if in the opinion of the secretary of state
3 said course or courses are not being conducted properly as to method,
4 content and supervision, and that either the applicant has actively
5 participated in the general real estate brokerage business as a licensed
6 real estate salesperson under the supervision of a licensed real estate
7 broker for a period of not less than [~~two~~ **five consecutive** years or has
8 had the equivalent experience in general real estate business for a
9 period of at least three years, the nature of which experience shall be
10 established by affidavit duly sworn to under oath and/or other and
11 further proof required by the department of state. Computer-based and
12 distance-learning courses may be approved by the department so long as
13 providers demonstrate the ability to monitor and verify participation by
14 the applicant for the specified time period. Notwithstanding the forego-
15 ing authority to approve computer-based and distance-learning courses,
16 the department may prescribe that specified subjects or hours must be
17 presented in a classroom setting. For purposes of this section, cultural
18 competency is defined as understanding cultural norms, preferences and
19 challenges within our diverse communities.

20 § 2. This act shall take effect on the one hundred eightieth day after
21 it shall have become a law.