STATE OF NEW YORK

5197

2023-2024 Regular Sessions

IN SENATE

February 27, 2023

Introduced by Sens. SKOUFIS, HINCHEY -- 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 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:

Section 1. Paragraph (b) of subdivision 1 of section 441 of the real property law, as separately amended by sections 6 and 7 of chapter 529 of the laws of 2022, is amended to read as follows:

(b) Such further information as the department may reasonably require shall be furnished by the applicant including sufficient proof of having taken and passed a written examination and answered such questions as may be prepared by the department to enable it to determine the trustworthiness of the applicant if an individual, or of each member of a co-partnership or each member of a limited liability company or each officer of a corporation for whom a license as a broker is asked, and their competency to transact the business of real estate broker in such a manner as to safeguard the interests of the public. In determining competency, the department shall require proof that the person being tested to qualify to apply for a broker's license has a fair knowledge of the English language, a fair understanding of the general purposes and general legal effect of deeds, mortgages, land contracts of sale, and leases, a general and fair understanding of the obligations between principal and agent, has taken a class on cultural competency training, a general and fair understanding of the laws, rules and regulations pertaining to fair housing and discrimination in the sale or rental of real property or an interest in real property, as well as of the provisions of this section. The applicant must also furnish proof that they have attended for at least one hundred fifty-two hours and has 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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secretary of state as to method and content and supervision which approval may be withdrawn if in the opinion of the secretary of state said course or courses are not being conducted properly as to method, content and supervision, and that either the applicant has actively participated in the general real estate brokerage business as a licensed real estate salesperson under the supervision of a licensed real estate broker for a period of not less than [~~two~~] **five consecutive** years or has had the equivalent experience in general real estate business for a period of at least three years, the nature of which experience shall be established by affidavit duly sworn to under oath and/or other and further proof required by the department of state. Computer-based and distance-learning courses may be approved by the department so long as providers demonstrate the ability to monitor and verify participation by the applicant for the specified time period. Notwithstanding the foregoing authority to approve computer-based and distance-learning courses, the department may prescribe that specified subjects or hours must be presented in a classroom setting. For purposes of this section, cultural competency is defined as understanding cultural norms, preferences and challenges within our diverse communities.

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