

NYSAR supported amendment to continuing education requirements signed into law

On October 23, 2019, Governor Cuomo signed into law a NYSAR supported amendment to Real Property Law §441(3)(a). **The amendment eliminates the exemption or “grandfathering” of brokers from having to complete continuing education.** In addition to the three hours of fair housing and/or discrimination in the sale or rental of real property or an interest in real property and one hour of agency (two hours for new licensees) the amendment also adds two and one-half hours of ethical business practices and one hour of legal updates to the core requirements as part of the twenty two and one-half hours of mandatory continuing education. After completing the core requirements, licensees will be responsible for completing an additional fifteen hours of continuing education courses covering any approved topic. The effective date of the law is July 1, 2021.

The amendment removes the provision that continuing education requirements “shall not apply to any licensed real estate broker who is engaged full time in the real estate business and who has been licensed under this article prior to July first, two thousand eight for at least fifteen consecutive years immediately preceding such renewal.” Every licensee, **including those real estate brokers that had previously claimed an exemption or “grandfathering”**, whose license expires on or after July 1, 2021 will need to comply with the new requirements.

The amendment requires any real estate license that expires on or after July 1, 2021 will not be renewed “unless such licensee shall have within the two year period immediately preceding such renewal attended at least twenty-two and one-half hours which shall include at least three hours of instruction pertaining to fair housing and/or discrimination in the sale or rental of real property or an interest in real property, *at least two and one-half hours of instruction pertaining to ethical business practices, at least one hour of instruction pertaining to recent legal matters governing the practice of real estate brokers and salespersons in New York which may include statutes, laws, regulations, rules, codes, department of state opinions and decisions, and court decisions* and at least one hour of instruction pertaining to the law of agency except in the case of the initial two-year licensing term for real estate salespersons, two hours of agency related instruction must be completed, and successfully completed a continuing education real estate course or courses approved by the secretary of state as to method, content and supervision, which approval may be withdrawn if in the opinion of the secretary of state such course or courses are not being conducted properly as to method, content and supervision.” Real Property Law §441(3)(a)

In discussions with DOS, they will be reviewing the content of continuing education courses that are submitted after October 23, 2019 to comply with ethical business practices and legal updates.

It should be noted that for compliance with the new law, the DOS will look at the actual date the license expires, not the date the licensee submits their renewal application to DOS. Licensees whose expiration date is on or after July 1, 2021 will not be able to circumvent the new requirement merely by submitting their renewal prior to July 1, 2021.

If you have any questions, please contact the NYSAR Legal Hotline. The Legal Hotline is available Monday-Friday from 9:00am-4:00pm at 518-436-9727.