



December message from the president of NYSCAR's Upstate chapter - by Guy Blake

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Important changes to Continuing Education Requirements:

On October 23rd, 2019, governor Cuomo signed into law a NYSAR supported amendment to Real Property Law §441(3)(a). The amendment accomplishes two things, eliminating the exemption or "grandfathering" of brokers from having to complete continuing education and including 2 ½ hours of ethical business practices and 1 hour of legal updates in the 22 ½ hours of required continuing education.

The effective date of the law is July 1st, 2021. Every licensee, including those real estate brokers that had previously claimed an exemption or "grandfathering," whose license expires on or after July 1st, 2021 will need to comply with the new requirements. 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 1st, 2021 will not be able to circumvent the new requirement merely by submitting their renewal prior to July 1st, 2021.

According to the amendment, any real estate license that expires on or after July 1st, 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.

National Association of Realtors Annual Conference

Below are some of the items that were approved at the recent National Association of Realtors Annual conference:

The National Association of Realtors Board of Directors took a big step to bolster brokerage cooperation, passing MLS Statement 8.0, also known as the Clear Cooperation policy. The policy

requires listing brokers who are participants in a multiple listing service to submit their listing to the MLS within one business day of marketing the property to the public. MLSs have until May 1st, 2020, to implement the policy. For more information, visit the MLS Clear Cooperation Proposal page, which can be found at: <https://www.nar.realtor/about-nar/policies/mls-clear-cooperation-policy>.

Code of Ethics Training

The board also approved a change to NAR's Code of Ethics training requirement. The change extends the training requirement from every two years to every three years and extends the current Cycle 6 deadline from Dec. 31st, 2020, to Dec. 31st, 2021. The next cycle (cycle 7) will begin Jan. 1st, 2022, and end Dec. 31st, 2024.

Professional Standards

The board adopted a new Standard of Practice under Article 3 that Realtors may not refuse to cooperate on the basis of a broker's race, color, religion, sex, handicap, familial status, national origin, sexual orientation, or gender identity.

The board deleted Standard of Practice 12-2 and amended Standard of Practice 12-1 as part of an ongoing efforts to review and update the code of ethics to ensure adequate protection of consumers, clarity in requirements, and legal defensibility.

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