

NOTICE TO ALL REAL ESTATE BROKERS AND SALESPEOPLE

Guidance Regarding Prohibited Discriminatory Practices

Under Governor Cuomo's leadership, the Department of State and the Division of Human Rights will partner to vigorously enforce New York State's fair housing laws.

New Department of State Regulation – Discriminatory Practices

Under Article 12-A of the NYS Real Property Law, real estate brokers and salespeople are currently prohibited from engaging in “untrustworthy or incompetent” behavior, including discrimination. The Department of State has proposed a new regulation to specify that discrimination is unlawful and to clarify that a finding of discrimination by a court or agency against a real estate licensee will constitute evidence of untrustworthiness in a Department of State disciplinary proceeding. In addition to any fines or penalties imposed by a court or other agency, the Department of State will seek to impose sanctions, including, but not limited to license revocation or suspension, fines and restitution against any licensee found to have engaged in discriminatory practices or conduct. A draft of the proposed regulation can be found on the Department's website: <http://www.dos.ny.gov>.

What is Discrimination?

Discrimination means treating someone differently. The New York Human Rights Law prohibits discrimination in housing based upon an individual's:

- Age
- Creed
- Race
- Color
- Sex
- Sexual Orientation
- National Origin
- Marital Status
- Domestic Violence Victim Status
- Disability
- Military Status
- Familial Status
- Gender Identity

More information regarding what constitutes discriminatory practices in the sale or rental of housing or other real estate can be found in the New York State Division of Human Rights' Fair Housing Guide:

<http://www.dhr.ny.gov/sites/default/files/pdf/nysdhr-fair-housing-guide.pdf>

Continuing Education

Additional information may also be obtained through approved fair housing courses designed to help licensees meet their 22.5 hour continuing education requirement. Of these 22.5 hours, three must be devoted to fair housing and discrimination. If you would like information about approved fair housing courses, please contact the Department of State or visit the Department's website at: <http://www.dos.ny.gov>.

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