

Did You Know?

The Department of State licenses nearly 120,000 real estate professionals in New York, including brokers, salespeople and appraisers. To check if your real estate agent is licensed or to report a complaint, visit www.dos.ny.gov or call (518) 474-4429.

- To become a licensed real estate salesperson, an individual must take specific coursework and pass an exam on New York real estate law and practice. Salespersons must also be associated with a real estate broker.
- Real estate brokers are individuals who, after gaining two years of experience in real estate sales, take additional coursework and exams in order to own or operate their own brokerage firms.
- Real estate appraisers must take required coursework and exams to become certified in estimating the value of real property.

The Department of State investigates hundreds of complaints of misconduct each year. Many of these complaints result in the revocation or suspension of a real estate license or a fine.

The most common violations include: mishandling or overcharging of fees or deposits; making false claims about a property or about one's experience in the industry; failure to complete the required continued education courses; or, sometimes, a combination of the above violations.



Resource List

To check if your real estate agent is licensed or to report a complaint against a real estate broker, visit www.dos.ny.gov or call (518) 474-4429.

To report a loan scam, visit the website or call the number of this federally supported campaign.



A Division of the New York Department of State

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Andrew M. Cuomo, Governor
Rossana Rosado, Secretary of State



A Division of the New York Department of State

Looking to Buy, Sell or Rent Property in New York State? Know Your Rights.



The Department of State is working to help instill confidence in the real estate market by ensuring that all practicing real estate professionals are licensed and conduct themselves with honesty and integrity in accordance with the laws of New York State.

The Department of State's Real Estate Education Campaign

Twelve Things New Yorkers Should Know Before Buying, Selling or Renting.

- 1.** All real estate professionals operating in New York State must be licensed by the Department of State, and must renew their license(s) every two years.
- 2.** Make sure to verify that the real estate professional you are dealing with is licensed in the state of New York by searching our website, www.dos.ny.gov. Click on the "eAccessNY" link and enter the name of the person or firm, or call (518) 474-4429. Do not rely solely on a person's testimony, business cards or advertisement.
- 3.** Buyers, sellers, renters and landlords all have the right to hire their own broker in a real estate transaction. You should not assume that an agent is acting solely on your behalf. Unless you have entered into a written agreement with the broker, he or she could be representing the other party to the transaction.
- 4.** When you have hired an agent to represent you, he or she owes you the following duties: reasonable care, undivided loyalty, confidentiality, full disclosure and the

ability to provide you with an accounting of any money collected or expended on your behalf.

- 5.** Real estate salespeople and brokers must disclose whom they are representing in the transaction at the time of their first contact with you.
- 6.** Commission fees are negotiable. You have the right to negotiate the amount of the commission to be paid to a broker or salesperson. There is no such thing as a mandatory commission rate.
- 7.** If an agent collects fees that you owe to the landlord or seller, such as a deposit or the first month's rent, the agent has an obligation to separate that money from his or her own. If the money is not immediately provided to the landlord or seller, the agent must put the money into a separate escrow account until the transaction has been closed. If the transaction does not close, the agent cannot keep the money for him or herself and must return it to you. Remember to obtain a receipt for any deposit or payment you make.

- 8.** Non-refundable commission deposits are not permissible. An agent earns a commission when he or she finds a person who is ready, willing and able to purchase the property or rent the apartment. Only if the agent has assisted the parties in reaching an agreement on all of the

material elements of the deal has he or she earned a commission.

- 9.** Make sure the property you are interested in is legitimately for sale or rent. It is not uncommon for scammers to act as authorized representatives of real estate that is not in the market or does not exist.
- 10.** Be particularly cautious when dealing with online sites and offers. Do not provide any personal or financial information unless you are absolutely sure you are dealing with a reputable business or agent.
- 11.** Under no circumstances should you be required to pay a fee before being allowed to view the property. Doing so may result in the loss of your money.
- 12.** Ask for copies of all documents: checks, money orders, the application, receipts, the lease and any other document related to your agreement.

