

# **2020 RAC NYSCAR Governmental Affairs Archive**

**December 28, 2020**

**[New York Placing Moratorium on Most Evictions Amid COVID, Strengthening Protections for Homeowners](#)**

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**November 17, 2020**

**From the Desk of Christopher McCarthy, RAC NYSCAR Governmental Affairs Chair:**

**New York State Real Estate Advertising Update November 2, 2020**

Please check that your advertising meets New York State's updated requirements by referencing [Advertising for Real Estate Licensees](#).

[Review your information on file with the Department of State](#). Search your name to find your license type and the Brokerage name and address that must be used. To find the Brokerage phone number, copy the Brokerage name and search under Organization. Pick the correct office under the address in the result. It should have the Brokerage phone number.

The Department of State has prepared a [Checklist for Real Estate Advertising](#) to help you advertise properly so that you can comply with State laws and regulations relating to your business. Refer to Page 2 for common mistakes. Review all listing sites and make sure they update your listings to be compliant with the seven, new ways to identify the Broker/Brokerage (not the RE salesperson or RE Associate Broker) and "ADVERTISEMENT" statements to be associated with RE Salesperson or RE Associate Broker.

Refer to [this text of the new rules for reference by your counsel, vendors and marketing departments](#).

***For further clarification on any of the above, consult your Principal Broker or legal counsel.***

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**September 29, 2020**

**From the Desk of Christopher McCarthy, RAC NYSCAR Governmental Affairs Chair:**

I would like to urge rental owners and property management companies to reach out to [Under One Roof](#) to explain your business model to help carve out exceptions for Upstate NY landlords. Under One Roof is a coalition consisting of responsible individual landlords and property management companies statewide who are urging state lawmakers to address the **unintended consequences** of the *Housing Stability & Tenant Protection Act of 2019* on both landlords and tenants and advocate for changes to the law.

The [Finger Lakes Landlord Association](#) is also asking for our help. If you own residential rental property in NYS, [please take a few minutes to fill out this 10-question survey](#). This is sponsored by Finger Lakes Landlords Association but **with guidance from Under One**

**Roof and NYCRAA.** The main objective is to show significant and devastating loss of income to small business, to show the need for courts to continue hearing eviction cases and to demonstrate the lack of significant federal or state financial assistance for landlords' small businesses.

Tech-wise, please take advantage of the mailing list generation features in [Realtors Property Resource® \(RPR\)](#) while cold calling is still prohibited..

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## August 17, 2020

**From the Desk of Christopher McCarthy, RAC NYSCAR Governmental Affairs Chair:**

### **IMPORTANT! New York State Bills to Track!**

**New York S8855:** Provides that all declarations of housing emergency that were in effect as of March 7, 2020 shall remain in effect until 2 years after the emergency declared pursuant to Executive Order 202 of 2020 ends. [Track the Bill/More Details](#)

**New York S1446:** Relates to the remediation and prevention of indoor mold and requiring the disclosure of indoor mold history upon the sale of certain real property. [Track the Bill/More Details](#)

**Oppose The New Brooklyn Cease and Desist Zone Proposal:** NYSAR strongly opposes the creation of a new cease and desist zone and believes the action by the Department of State is overly restrictive and unwarranted. **Additionally, imposing any cease and desist zone only harms legitimate licensed real estate professionals while ineffectively allowing unlicensed individuals to continue their practices unfettered.** Cease and desist zones do not provide any remedy for the activities of unlicensed individuals. [More Details](#)

### **NYSAR Opposes ...**

**Statewide “Good Cause Eviction” STANDARD (S.2892-A – Salazar/A.5030-A – Hunter):** NYSAR strongly opposes legislation that would establish an onerous and overly restrictive “good cause eviction” standard and impose de facto rent control statewide without any home rule option. This bill essentially provides tenants with a perpetual lease even when terms of that lease have expired, which is simply impractical. The legislation’s overly restrictive “good cause” standard would stifle investment in rental housing and reduce the market value of these properties.

**Statewide Rent Control and Stabilization Opt-In:** NYSAR believes rent control and rent stabilization laws at the state and municipal level are counterproductive and overly restrictive. Studies show that rent control actually limits renters’ mobility, reduces the availability of affordable rental housing, disincentives maintaining and redeveloping regulated units, and drives up rent in non-regulated units. Expansion of these provisions to municipalities outside of the New York City metro area will undoubtedly harm renters in the long-term and exacerbate the current zombie property problem. State and local officials should take a more balanced approach by encouraging the development of more housing and affordable units if there is a supply issue. Additionally, NYSAR believes there are opportunities to clarify and amend portions of the Housing Stability and Tenant Protection Act to resolve ambiguities in the law and restore the ability of building owners to provide safe and affordable housing to more New Yorkers. [More NYSAR Legislative Priorities](#)

### **Under One Roof NY**

**Under One Roof NY has a similar position on Good Cause Eviction and Rent Control:** This coalition consists of responsible individual landlords and property management companies statewide who are urging state lawmakers to address the **unintended consequences** of the *Housing Stability & Tenant Protection Act of 2019* on both landlords and tenants and advocate for changes to the law. Our members are small business owners who provide quality housing to other hardworking New Yorkers and serve as economic drivers in their local communities. [More Details](#)

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**April 17, 2020**

**From the Desk of Christopher McCarthy, RAC NYSCAR Governmental Affairs Chair:**

**New York State Bills to watch!** Below are three bills that need your attention. They will have a game-changing impact on the business of the Commercial Real Estate industry for New York State. We have seen that even a law that is supposed to be limited to New York City eventually makes its way through the whole state.

**Bill A10281**

Commercial Rent control is almost here. Call your State representatives to make sure they know your thoughts on rent control!: <https://www.nysenate.gov/legislation/bills/2019/A10281>

**Bill A8231**

Vacant commercial property would incur a tax to the landlord: <https://www.nysenate.gov/legislation/bills/2019/a8231>

**Bill S8140-A**

Vouchers to pay for rent for people that cannot pay because of Cuomo's Executive Order: <https://www.nysenate.gov/legislation/bills/2019/S8140>

If you're not sure whom to contact, representatives are still taking calls and need to hear from their constituents. Find your representatives for NYS Assembly at <https://nyassembly.gov/mem/search>. Find your representatives for NYS Senator at <https://www.nysenate.gov/find-my-senator>

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**February 19, 2020**

**From the Desk of Christopher McCarthy, RAC NYSCAR Governmental Affairs Chair:**

Here are several very significant issues that Realtors need to be aware of:

**1099 vs W-2 Status:** The independent contractor status that many in the real estate sales and brokerage have enjoyed for years in New York may be in jeopardy. A well-founded concern is that, in California, a bill passed that made it mandatory for a worker to be classified as an employee if they are engaged in the same line of business as the employing company. Think of a graphic artist being an independent contractor for an illustration company. By the new, current interpretation of this law, they cannot be classified as a contractor but have to be classified as an employee since they are both in the same line of business. So, the independent contractor becomes a W-2, instead of a 1099. In New York, a similar effort is underway (S.6538 - Savino/A.8343 - Crespo). NYSAR has met with the special counsel to Governor Cuomo regarding the concerns of loss of independent contractor status for real estate professionals.

**Tenant Protection with Good Cause Eviction:** 2019 saw the implementation of the Tenant Protection Act minus Good Cause Eviction. The New York Capital Region Apartment Association and Jaime Michelle Cain, Esq. of Boylan Code LLP, created the Under One Roof Coalition of Upstate New York to represent the interests of property owners. This year the Good Cause Eviction has come up again and has momentum (S.2892-A - Salazar/A.5030-A - Hunter). A primary concern is not being able to let a lease expire. If you have any business with multi-family or rental properties, please reach out to the [Under One Roof Coalition of Upstate New York](#) to learn more.

**Local Municipality Activation of Commercial Rent Control:** Anyone who thought the Tenant Protection Act was a surprise, Bill No. A09622 by O'Donnell, states that for Commercial, it directly relates to allowing municipalities to enact Commercial rent control measures. NAR is presently watching this bill. The currently proposed legislation seems innocuous but opens up a precedent to expand rent control to Commercial properties. If you practice leasing or represent a property owner, this is a bill to watch.

**NYSAR Opposes DOS Guidance Prohibiting Certain Real Estate Commissions:** Your action is needed - NYSAR opposes new guidance by the Department of State maintaining that a landlord's agent is now prohibited from collecting a Broker fee/commission from the tenant in rental transactions Statewide under its interpretation of the 2019 Housing Stability and Tenant Protection Act passed last June. If enforced, this would have devastating effects on Realtors engaging in rental transactions. [Read more and TAKE ACTION NOW! DOS Guidance Prohibits Certain Real Estate Commissions.](#)

**Please make sure to review and update yourself regarding whom you are represented by in the State Assembly. [Check your Rep.](#) If you have not called to let them know you are still in business, it's time you remind them.** The theme that has been echoed by politicians is if they do not hear from the industry practitioners, they assume practitioners do not oppose or support the legislation.

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## January 24, 2020

### **From the Desk of Christopher McCarthy, RAC NYSCAR Governmental Affairs Chair:**

Under One Roof coalition of responsible landlords statewide who operate small businesses, provide quality housing to other hardworking New Yorkers and serve as economic drivers in their local communities. We're invested in improving the apartment industry for all.

BE HEARD

We are compiling data to share with legislators on the unintended consequences of the *Housing Stability & Tenant Protection Act of 2019*.

[Take our short survey](#) to help us keep this issue at the forefront.

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## January 3, 2020

### **\*NEW!\* Changes in Continuing Education Course Requirements for License Renewal and Date Change for Those Grandfathered**

Previously, the State instituted the deadline of July 2020 to remove the grandfather clause regarding Continuing Education. For any of you that are grandfathered, the date has been

moved to July 2021. So, if you are grandfathered, you have one more year before Continuing Education will need a requirement.

Here is the text from the DOS website:

### **What are the Continuing Education Requirements?**

All licensees submitting a renewal prior to July 1, 2021 are required to successfully complete 22.5 hours of approved continuing education, including at least 3 hours of instruction pertaining to fair housing and/or discrimination in the sale or rental of real property or an interest in real property 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 within the two-year period immediately preceding a renewal.

Any salesperson who successfully completes an approved broker qualifying course (which requires passing the final exam), within their current term, will receive continuing education credit for completion of that course. **Please note: The broker course does not satisfy the mandatory 3 hour fair housing requirement.**

### **Exemptions prior to July 1, 2021:**

Either of the below are exempt from the continuing education requirements:

- Any licensed real estate broker who is engaged full time in the real estate business and who has been licensed prior to July 1, 2008 for at least 15 consecutive years and has maintained continuous licensure (no breaks in licensure for reasons such as late renewal submission) or
- An attorney admitted to the New York State Bar who holds a real estate broker's license.

### **What are the Newly Adopted Continuing Education Requirements effective July 1, 2021?**

All licensees will be required to successfully complete 22.5 hours of approved continuing education. The education must include at least 2.5 hours on the subject of ethical business practices, at least 1 hour of recent legal matters, at least 3 hours of instruction pertaining to fair housing and/or discrimination in the sale or rental of real property or an interest in real property and at least 1 hour of instruction pertaining to the law of agency except in the case of the initial two-year licensing term for real estate salespersons, 2 hours of agency related instruction must be completed within the two-year period immediately preceding a renewal.

For the purposes of implementing the changes, the new requirements are effective on the actual date the license expires rather than the date the renewal application is submitted for processing. If the expiration date printed on your license is on or after July 1, 2021, you must meet the new requirement before you can renew. To review the actual bill text, please click [here](#).

If you have any questions, please feel free to submit your inquiry to [eAccessNY@dos.ny.gov](mailto:eAccessNY@dos.ny.gov).