



GUIDANCE TO REAL ESTATE LICENSE HOLDERS

NEW FAIR HOUSING REGULATIONS

On April 21, 2020, the Department of State and the New York State Real Estate Board (NY RPL § 442-i(4)), adopted new regulations, providing for additional fair housing protections, adding Sections 175.28, 175.29, and 177.9 to Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York.

These rules went into effect on June 20, 2020.

WHAT IS REQUIRED?

- New:** 19 NYCRR § 175.28 requires a new written Fair Housing and Anti-Discrimination Disclosure (which will be furnished by the Department of State) to be provided, upon first substantive contact, to a prospective purchaser, tenant, seller, or landlord. The new Fair Housing and Anti-Discrimination Disclosure form must be maintained by the real estate broker for a period of three years from the date of issuance.
- New:** 19 NYCRR § 175.29 requires a new Fair Housing and Anti-Discrimination Notice (which will be furnished by the Department of State) be displayed in the window of each office and branch office operated by a real estate broker. The new Fair Housing and Anti-Discrimination Notice must also be prominently displayed on all websites operated by all real estate licensees. Additionally, the Fair Housing and Anti-Discrimination Notice must be displayed at each “open house.”
- New:** 19 NYCRR § 177.9 requires each entity, approved to provide instruction pertaining to fair housing and/or discrimination in the sale or rental of real property or an interest in real property, to cause a recording to be created of each “Fair Housing” course in its entirety. Such recording shall contain both video and audio of the instruction and must be maintained by such entity for a period of one year.

IMPORTANT LINKS

Text of the new regulations can be found at:

[https://www.dos.ny.gov/licensing/docs/Final%20Adopted%20Text%20\(Enhanced%20Fair%20Housing\).pdf](https://www.dos.ny.gov/licensing/docs/Final%20Adopted%20Text%20(Enhanced%20Fair%20Housing).pdf)

The Fair Housing and Anti-Discrimination Disclosure form can be found at:

<https://www.dos.ny.gov/licensing/docs/2156.pdf>

The Fair Housing Notice (to be displayed) can be found at:

https://www.dos.ny.gov/licensing/docs/FairHousingNotice_new.pdf

If you have questions related to the above, please email them to the Department at: licensing@dos.ny.gov or contact (518) 474-4429. Call Center Representatives are available from 8:30am to 4:30pm Monday through Friday except on Legal Holidays.