

Will Implicit Bias Training for Real Estate Industry Professionals Become a Trend?

By Scott Allen & Jason A. Anon

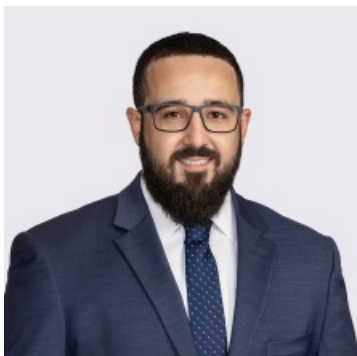
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California requires implicit bias training for brokers and salespersons in the real estate industry. Now, legislation pending in New York and South Carolina could be going in the same direction.

On September 28, 2019, California passed [Senate Bill 263](#), requiring real estate brokers and salespersons to complete a two-hour course on implicit bias as part of their continuing education. This training includes a component on the impact of implicit bias, explicit bias, and systemic bias on consumers, as well as the historical and social impacts of those biases. The training also must outline actionable steps real estate brokers and salespersons can take to recognize and address their own implicit biases.

Similar legislation is pending in New York and South Carolina. New York Senate Bill 538 (and related New York Assembly Bill 4638) would require real estate brokers and salespersons to complete at least two hours of instruction pertaining to implicit bias awareness and understanding as part of their license renewal process. For purposes of this training, the bill defines “implicit bias” as the “attitudes or stereotypes that affect an individual’s understanding, actions and decisions in an unconscious manner.”

South Carolina House Bill 3471 would require real estate brokers, salespersons, and brokers-in-charge to complete at least one hour of continuing education exclusively devoted to fair housing and discrimination in the sale or rental of real property (or an interest in real property) as a condition of their active license renewal. The training topics mandated by the bill include examination of the following: (a) the legacy of segregation, unequal treatment, and historic lack of access to opportunity in housing; (b) unequal access to amenities and resources on the basis of race, disability, and other protected characteristics; (c) federal, state, and local fair housing laws; and (d) anti-bias training. Additionally, the bill would require property managers and property managers-in-charge to complete the same training as it relates to the rental of real property as part of their license renewal process.

In light of these legislative trends, real estate brokerages and other real estate industry employers should consider training their brokers, salespersons, property managers, and other professionals on fair housing practices and implicit bias.

Jackson Lewis attorneys will continue to monitor this and other developments affecting the real estate industry. If you have questions about legislation or available resources for training on fair housing practices or implicit bias, contact a Jackson Lewis attorney to discuss.

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