

New York State's Fair Housing Regulations Effective

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The new regulations for real estate professionals to help combat housing discrimination are effective as of June 20, 2020, the New York Department of State has announced in a press release.

The new regulations, which were approved in December 2019 by the New York State Real Estate Board, require enhanced disclosures by real estate professionals to help ensure prospective home buyers, renters, sellers, and landlords receive adequate information regarding their rights and protections under New York State law.

Governor Andrew Cuomo directed the Department of State, in consultation with the Division of Human Rights, to issue new regulations as part of recent efforts to combat housing discrimination in response to a *Newsday* report on housing discrimination on Long Island.

The new fair housing regulations require the following:

Notification of Fair Housing laws. Real estate brokers will be responsible for ensuring that each licensed professional working under their supervision provides a disclosure on fair housing and the New York State Human Rights Law to prospective home buyers, renters, sellers, and landlords. The disclosure, which the Department of State has yet to furnish, must be given to the prospective party by email, text, facsimile, hardcopy, or some other electronic messaging service. The disclosure also must be available at every open house or real estate showing conducted by a real estate professional.

Posting of Fair Housing laws. Real estate brokers must display and maintain at every office and branch a notice highlighting the Human Rights Law's protections regarding housing accommodations and how consumers can file complaints. The notice must be visible from the sidewalk or another conspicuous place. In addition, the notice must be prominently displayed on all websites created and maintained by real estate brokers and real estate salespersons. Finally, the notice must be posted at every open house conducted by a real estate professional.

Video recording and record preservation. Every entity approved to provide and provides training and instruction relating to fair housing or discrimination in the sale or rental of real property or an interest in real property must record video and audio of the instruction for every course in its entirety. The approved entity is required to keep the recording for one year after the date the course was delivered.

Moreover, beyond the new fair housing regulations, the Department of State also announced that new advertising regulations aimed at providing clearer disclosures for internet advertising become effective November 2, 2020. These regulations will require brokers using lead-generation programs (such as Zillow, StreetEasy, and Trulia, among others) to ensure that the listing agent is clearly disclosed and that the buyer's broker

includes the word “advertisement” in the advertising. These disclosures also are required to be posted on Thumbnail views when the public searches for a property on the programs’ or a broker’s page. This new rule aims to inform clients about the listing broker’s name on properties produced in response to search results.

The fair housing and advertising regulations were published in the New York State Register on May 6, 2020, and the [guidance documents](#) are available on the Department of State website.

Please contact a Jackson Lewis attorney with any questions related to these developments.

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