

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.state.ny.us 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.state.ny.us or call (518) 474-4429.



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



To report abusive lending practices or mortgage fraud, contact the New York State Banking Department at HALT@banking.state.ny.us or visit www.banking.state.ny.us/cshalt.htm.

NEW YORK STATE  DEPARTMENT OF STATE

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 Department of State
 123 William Street
 New York, NY 10038-3804
 Phone: (212) 417-5800
 Fax: (212)-417-2383

Albany
 Department of State
 One Commerce Plaza
 99 Washington Ave.
 Albany, NY 12231-0001
 Phone: (518) 474-4752
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David A. Paterson
 Governor

Lorraine Cortés-Vázquez
 Secretary of State

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



We are slowly emerging from a prolonged housing crisis. 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 that they conduct themselves with honesty and integrity and in accordance with the laws of New York state.



Lorraine Cortés-Vázquez
 Secretary of State

The Department of State's Real Estate Education Campaign

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

- 1.** All real estate professionals **must be licensed** by the Department of State, and they must renew their licenses every two years.
- 2.** To check if a person who represents him or herself as a real estate salesperson or broker is, in fact, licensed by the state of New York, **check with the Department of State** by searching our website, www.dos.state.ny.us; by clicking on the "eAccessNY" link and entering the name of the person; or by calling (518) 474-4429.
- 3.** Buyers, sellers, renters and landlords all have the right to **hire their own broker** in a real estate transaction.
- 4.** **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.



- 5.** 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.
- 6.** Real estate salespeople and brokers must disclose whom they are representing in the transaction **at the time of their first contact with you.**
- 7.** 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.
- 8.** If a broker collects fees that you owe to the landlord or seller, such as a deposit or the first month's rent, the broker 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 broker must put the money into a separate escrow account until the transaction has been closed. If the transaction does not close, the broker cannot keep the money for him or herself and must return it to you.



- 9.** **Non-refundable commission deposits are not permissible.** A broker 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 broker has assisted the parties in reaching an agreement on all of the material elements of the deal has he or she earned a commission.
- 10.** Real estate salespeople and associate brokers work under the oversight and supervision of the broker with whom they are associated. **You have the right to contact the broker** with any concerns about the transaction or the agent's handling of the transaction. Some salespeople and associate brokers advertise themselves as a "team" or "group." This is not a separate company. These agents still work for a broker who is responsible for supervising their activity.

