

THE REALTOR®



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Official Publication of Long Island Board of REALTORS®

LIRealtor.com

REALTOR® Code of Ethics Training – Needed by 12/31/21 – Deadline Year!

Don't Lose Your Benefits, Complete Your Training Now!

All members of the National Association of REALTORS® (NAR), which includes REALTOR® members of the Long Island Board of REALTORS® (LIBOR) are required to take a 2.5 hr. Code of Ethics class EVERY THREE YEARS. The current cycle, Cycle 6, began on January 1, 2019 and will end on December 31, 2021, which means, this is a deadline year for the requirement.

All REALTORS® must satisfy that requirement to remain a member in good standing and to continue the many benefits of membership. The training must meet specific learning objectives and criteria established by NAR.

GREAT NEWS: All agents who completed a LIBOR course approved for Code of Ethics in this period are recorded in our system and we have notified NAR. You do not need to do anything. If you took a LIBOR approved Code of Ethics class at a school other than LIBOR since January 1, 2019, please email your certificate to COE@lirealtor.com.

Certified Appraiser members, Commercial Real Estate members and Attorney members are also required to complete Ethics. The National Association of REALTORS® course offers Code of Ethics modules specific to appraisers and commercial real estate practitioners.

The advertisement features a yellow background. On the left is a black and silver alarm clock showing approximately 10:10. To the right of the clock, the text reads: "The Clock is Ticking!" in a stylized font, followed by "HAVE YOU SATISFIED YOUR MANDATORY NAR CODE OF ETHICS TRAINING?" in bold, uppercase letters. At the bottom, it says "lirealtor.com/ethics" and "DEADLINE 12/31/21". Logos for REALTOR and LONG ISLAND BOARD OF REALTORS are in the top corners.

The only exemptions are members who have reached REALTOR® Emeritus status or those who have earned the C2EX Endorsement from the National Association of REALTORS®. Even if you are exempt from CE in NY (ends July 1, 2021) you still **MUST TAKE ETHICS** for NAR.

For more information and details on how you can complete your Code of Ethics training, visit www.lirealtor.com/ethics. ●

ATTENTION MEMBERS...Your 2022 LIBOR Annual Dues Bill is scheduled to be emailed on August 25, 2021. Please make sure we have an accurate e-mail address on file for you because there will be no other form of delivery. For questions or inquiries, please call LIBOR Membership & Billing at 631-661-4800.



President's Message

By Susan Gruen Helsinger, President
Long Island Board of REALTORS®

At the start of 2021, LIBOR's Board of Directors made a Professional Development Pledge to best serve the public, clients and customers, by investing time in keeping abreast of trends, issues, and current developments that may affect our industry. The pledge is available for all members to take and I invite and encourage you to join us in our commitment to excellence in service.

One way of staying knowledgeable, educated, and informed is by taking courses on topics affecting housing and the real estate industry. By taking the pledge you will commit to completing two pertinent programs provided by the National Association of REALTORS® (NAR), Fairhaven: A Fair Housing Simulation and Commitment to Excellence (C2EX). Each program is significant in its own right and will help in our mission to provide the best service, while elevating our industry.

Fairhaven is a new online fair housing simulation training for REALTORS® that uses the power of storytelling to help members identify, prevent, and address discriminatory practices in real estate. Inspired by real stories, this innovative online experience has agents work against the clock to sell homes in the fictional town of Fairhaven, while confronting discrimination in the homebuying process. For more information on this 1.5-hour self-guided simulation visit <https://fairhaven.realtor/>.

C2EX is an award-winning program that empowers REALTORS® to evaluate, enhance and showcase their highest levels of professionalism. It's not a course, class or designation—it's an endorsement that REALTORS® can promote when serving clients and other REALTORS®. Get started on your journey by logging in to www.C2EX.realtor.

LIBOR has created marketing materials for you to use in your signature and on your social media channels to proudly state your completion of the pledge. Be an advocate for the future of our industry and begin your commitment to exceptional service here, www.lirealtor.com/2021pledge. ●

Work Remote? No Problem

By Marlo Paventi Dilts, Government Affairs
Director, Nassau & Suffolk,
Long Island Board of REALTORS®

With over a year under our belt, working remote has afforded us the opportunity to expand our advocacy bandwidth in ways that in-person could not. Sometimes it was a quick check-in with a lawmaker (sometimes 5 or 6 given the day), or a quick strategy session with the team, the virtual world has shown us that work from home isn't always pajamas and slippers... well, at least not from the waist up.

In late Winter, NAR published its "Twenty Legislative and Executive Branch Wins in 2020," which included independent contractors, sole proprietors and the self-employed' s eligibility for spending, small business rescue loans and forgiveness, stimulus checks, access to paid sick and family leave and the enhancement and expansion of unemployment benefits.

While we missed walking the halls of the Legislative Office Building and Capitol in Albany and seeing our REALTOR® peers from throughout New York State, your Government Affairs team helped to organize 6 meetings that hosted over 20 lawmakers and more than 60 volunteer members for NYSAR's Annual Lobby Day. This resulted in great discussion about Fair Housing, expanding access to affordable housing and the need for greater transparency in cooperative housing.

To say that our efforts have slowed here locally could also be a punchline! Just recently, after months of research and work, the Suffolk County Legislature passed a resolution that will allow homeowners to remove any restrictive language (both racial and religious) from their deeds at no cost (similar to the one we worked on with the Nassau Legislature late last year). We are also currently working with Nassau legislators on an amendment to our co-op bill to include language that gives a reason why an applicant is denied; and hosted LIBOR's 2nd Annual Local Advocacy Day featuring Nassau County

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Avoiding Source of Income Discrimination

*By Doreen Spagnuolo, Corporate Counsel and
Patrick Fife, Associate Corporate Counsel,
Long Island Board of REALTORS®*

Discrimination based on lawful source of income is the illegal practice by landlords, owners, and real estate brokers of refusing to rent to current or prospective tenants seeking to pay for housing with housing assistance vouchers, subsidies, or other forms of public assistance such as Section 8.

A recent year-long investigation utilizing testers in New York City led by the Housing Rights Initiative culminated in a federal lawsuit against 88 property owners and brokers, and found a high percentage of landlords and brokerages that allegedly discriminated against tenants seeking apartments with Section 8 vouchers.

Licensees need to know New York State, New York City, Nassau County and Suffolk County all have laws banning source of income discrimination. For instance, under the New York State Human Rights Law, "lawful source of income" includes, but is not limited to child support; alimony; foster care subsidies; income derived from social security; any form of federal, state, or local public assistance; housing assistance including, but not limited to, section 8 vouchers or any other form of housing assistance payment or credit whether or not such income or credit is paid or attributed directly to a landlord; and any other forms of lawful income.

The following questions and answers provide guidance on how to avoid source of income discrimination.

1. What are examples of source of income discrimination?

Source of income discrimination can happen in a variety of ways. It is unlawful for landlords and housing agents to publish any online, print, or broadcast advertisements that indicate a refusal to accept public or housing assistance programs, or vouchers.

The following statements made by an owner, manager, or real estate agent would also be evidence of source of income discrimination:

- This apartment does not take vouchers.
- There is a "waitlist" for people with vouchers or programs.
 - This apartment only takes Section 8 tenants with jobs.
 - This apartment takes section 8, but you have to pay the rent for the first month or two.

- Let me find out if the owner takes vouchers and get back to you.

It is also unlawful to create barriers to housing for subsidized tenants, such as:

- A licensee steering a potential tenant to less desirable apartments or offering fewer options upon learning that the tenant intends to pay with a rental assistance voucher.
- A licensee insisting that a potential tenant with a voucher provide proof of employment to apply for an apartment.
 - Delaying in review of applications or refusing to respond to applicants with lawful sources of income.
 - Providing different terms or privileges, or denying the use of facilities to residents based on source of income, such as a rooftop patio or gym area available to all residents except those with a voucher.

2. Can a landlord or licensee ask a tenant about income?

Yes. It is not unlawful to ask about income, only to discriminate based on lawful sources of income. Housing providers may ask about income and about the source of income, and require documentation to determine a person's ability to pay for housing, but must accept all lawful sources of income equally.

3. If a tenant has a housing voucher, can the tenant's rental application be denied because the tenant does not earn enough income? Can the tenant be required to find a guarantor/co-signer?

So long as the voucher program would approve the monthly rent for the apartment and the tenant has a housing voucher such as Section 8 that calculates the tenant's portion of the rent based on income, the tenant cannot be rejected based on insufficient income or be required to find a guarantor or co-signer.

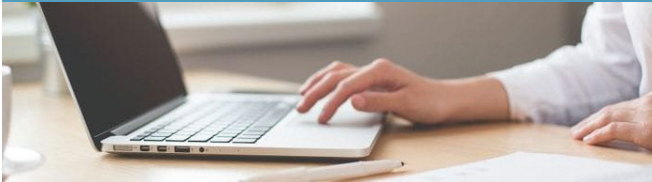
4. Should a landlord accept vouchers if they are offered for security deposits?

Yes. A landlord must accept a voucher from a program in lieu of a security deposit. Any landlord or licensee



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LIBOR EDUCATION

**GRI 2 — BUSINESS**

Run your business like a professional practice and gain market share.

August 16-17 • 9:00 – 1:00 pm

GRI 5 — BUYERS

NYS Fair Housing training and 2 hour agency coursework requirement for license renewal.

September 1-2 • 9:00 – 1:00 pm

GRI 7 — PROPERTY

Explore all the factors impacting value and close deals!

August 18-19 • 9:00 – 1:00 pm

ABR Accredited Buyer Representative (15 Hours CE)

Become a proficient and profitable Buyers Representative (Satisfies 2 Hours Agency Requirement)

August 9-12 • 9:00 – 1:00 pm

MRP Military Relocation Professional (6.5 Hours CE)

Help current and former military service members find housing solutions that best suit their needs and make the best use of their available benefits

August 4-5 • 9:00 – 1:00 pm

Work Remote? No Problem

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Executive Laura Curran and Suffolk County Executive Steve Bellone. Our newest member of the Government Affairs team has been Queens' recent mover-and-shaker of the borough, meeting with over 80 candidates running for City government and nearly all of the Queens City Council members. Government Affairs continues to utilize the tools that NAR provides like community place making grants and is currently working with the Town of Babylon on a Community Garden in Wyandanch and with the New York City Department of Transportation to create a parklet in a high-foot-traffic, retail area.

Of course, this wouldn't be a well-rounded update from your Government Affairs Department if we didn't remind you to vote! If you or someone you know is not a registered voter in New York State, drop what you are doing and register... right now! Visit <https://www.elections.ny.gov/VotingRegister.html> to get your Voter Registration form. Your form must be postmarked no later than October 8th in order to vote in the 2021 November 2nd General Election. ●

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Avoiding Source of Income Discrimination

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acting on behalf of a landlord that refuses to accept a voucher would be acting in a discriminatory manner.

5. Can a landlord deny housing based on the results of a credit history report?

Housing applicants must be individually considered on a case-by-case basis. A housing provider cannot have a facially neutral income or wealth requirement that is equally applied but has the effect of excluding populations with rental subsidies. Therefore, credit scores or credit history may not be used to frustrate the purpose of source of income discrimination laws. Credit scores and credit history may not be valid indicators of whether a person will pay the rent. For example, If a tenant has a housing voucher that covers 100% of the rent, consideration of negative credit history would be unreasonable, and the landlord should not require a credit check or reject the tenant based on a negative credit history.

6. Are there exceptions to the lawful source of income provisions of the New York State Human Rights Law?

Protections from housing discrimination, including source of income, provided by the Human Rights Law, do not apply to a rental unit in a two-family home occupied by the owner, or to rooming houses occupied by the owner. However, these exceptions do not apply to licensees. They apply only if the listing is handled by the owner of the exempted property without a broker. There are no carve outs or exemptions from the law for real estate professionals.

7. What should a licensee do if his/her client refuses to accept a tenant receiving housing assistance vouchers, subsidies, or other forms of public assistance ?

Any licensee receiving a directive from the owner, landlord, property manager, rental agent or other licensee to discriminate against individuals because of their lawful source of income should advise the individual that such actions are unlawful, you cannot follow their directive and you should cease working with that individual. You should also document the discriminatory actions of the individual or entity and the termination of your professional relationship so you have a record in the event the person(s) being discriminated against takes any action in the future. The licensee should also take the same steps if he or she knows that a client will accept an application from a prospective tenant, but will never approve the applicant because they are a lawful source of income recipient (for example, they receive Section 8 vouchers). ●