

## New Real Estate Laws

There were many new bills signed into law last year that affect the real estate industry. Nearly 30 such laws have gone or will go into effect over the next year. This is a summary of some of the most significant of those new laws. For a complete list and summary of every new law affecting real estate, see here: <https://www.car.org/legal/Recent-Legal-Developments/2022-New-Laws>

### **Implicit Bias Training for Licensees (SB 263)**

Starting January 1<sup>st</sup>, 2023, an applicant for a broker or salesperson license will be required to take courses on fair housing and implicit bias before sitting for the licensing exam. This requirement will apply to future license renewals as well. The previous 8-hour survey course that brokers and agents could take for renewals will now become a 9-hour survey course with this additional training requirement.

### **Appraisal Discrimination Disclosure (AB 948)**

Beginning July 1<sup>st</sup>, 2022 every real property purchase agreement must contain a notice stating that any appraisal of the property is required to be unbiased, objective, and not influenced by improper or illegal considerations. This required notice will also provide contact information for filing a complaint if the buyer or seller believes that the appraisal is low based on such illegal considerations. Keep an eye out for a new disclosure added to the C.A.R. purchase agreements before this requirement goes into effect.

### **Discriminatory/Restrictive Covenants (AB 1466)**

As of July 1<sup>st</sup>, 2022, this new law will require real estate brokers or agents who have actual knowledge of possible unlawfully restrictive covenants in a declaration, governing document, or deed that is being directly delivered to a principal, to disclose to that principal 1) the presence of the covenant, and 2) the ability of the owner or buyer to have it removed through the restrictive covenant modification process. This law also makes it easier for homeowners to have racially restrictive language redacted by requiring the waiving of fees, streamlining the recording process, and expanding who can file requests. Finally, this law requires each county recorder to establish a program to proactively redact unlawfully restrictive covenants.

### **Fair Housing Equal Access (AB 491)**

This new law clarifies an important aspect of fair housing law. In mixed-income multifamily structures, all occupants must have equal access to common entrances, areas, and amenities as the occupants of market-rate housing units.

### **Emotional Support Animals (AB 468)**

This law imposes additional restrictions on how health care practitioners may provide documentation relating to support animals. Specifically, it requires a minimum length of treatment and requires specific language to be included in any documentation that is provided. However, keep in mind that these new restrictions apply to documentation providers and this law does not change the underlying federal or state law requiring reasonable accommodations for support animals regarding housing.

### **Use of Prior Surname (AB 830)**

From now on, a real estate licensee who is a natural person and who legally changes the surname in which their license was originally issued may continue to utilize their former surname to conduct business associated with their license so long as both names are filed with the Department of Real Estate.