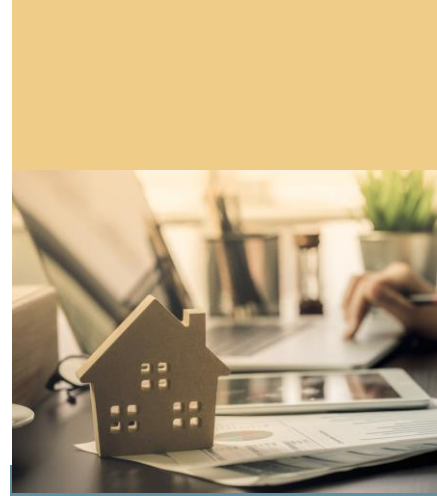


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# New Real Estate Laws



# 2022 Significant New Real Estate Laws\*

- ◆ Implicit Bias Training for Licensees (SB 263)
- ◆ Appraisal Discrimination Disclosure (AB 948)
- ◆ Discriminatory/Restrictive Covenants (AB 1466)
- ◆ Fair Housing Equal Access (AB 491)
- ◆ Emotional Support Animals (AB 468)
- ◆ Use of Prior Surname (AB 830)

\*Partial list



# 2022 New Laws

- ◆ There are many new laws affecting real estate in one way or another - almost 30!
- ◆ As a real estate practitioner, you'll want to be aware of these more significant new laws



# Implicit Bias Training

- ◆ An applicant for a broker or salesperson license must take courses on fair housing and implicit bias before sitting for the licensing exam
- ◆ For license renewals, implicit bias coursework is now added to the mandatory requirements
  - ◆ For subsequent renewals, brokers and agents must take a nine-hour survey course (as opposed to an 8-hour course under current law)
- ◆ Requirement starts January 1, 2023





# Appraisal Discrimination Disclosure

- ◆ Requires that every real property purchase agreement contain a notice stating that any appraisal of the property is required to be unbiased, objective, and not influenced by improper or illegal considerations
- ◆ Notice includes contact information for filing a complaint if the buyer or seller believes the appraisal is low based on such illegal considerations
- ◆ Will likely be attached to the RPA later in 2022 prior to the law going into effect
- ◆ Notice is required beginning July 1<sup>st</sup>, 2022



# Discriminatory/Restrictive Covenants



- ◆ Requires real estate brokers or agents (or recorder, title company, or escrow company), 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 notify the owner or buyer: 1) of the covenant(s) and 2) the ability of the owner or buyer to have it removed through the restrictive covenant modification process
- ◆ Makes it easier to redact racially restrictive language for homeowners by waiving fees, streamlining the recording process, and expanding who can file requests
- ◆ Creates a program requiring each county recorder to establish a program to proactively redact unlawfully restrictive covenants
- ◆ Effective July 1<sup>st</sup>, 2022

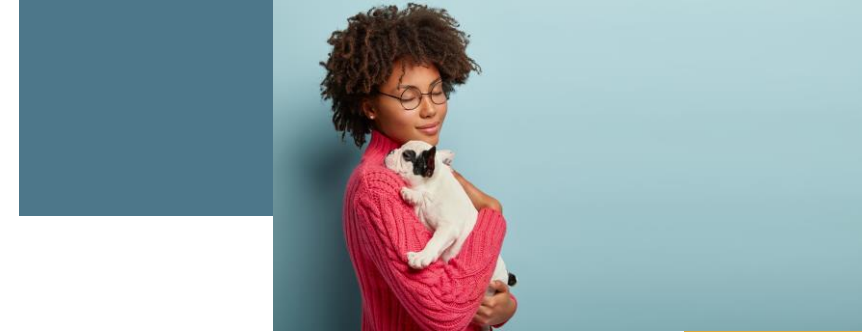


# Fair Housing Equal Access

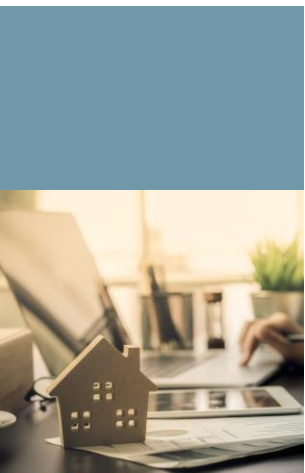
- ◆ In mixed-income multifamily structures, all occupants must have equal access to common entrances, areas, and amenities as the occupants of market-rate housing units
- ◆ Already required under general fair housing law; new law acts as clarification



# Emotional Support Animals



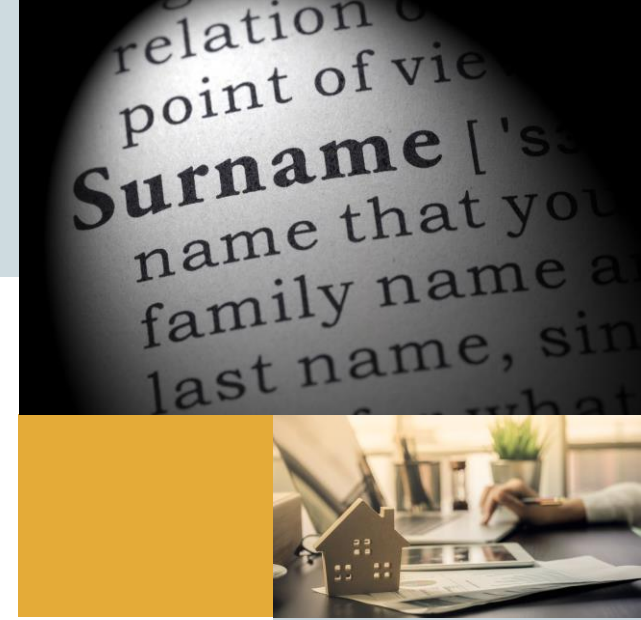
- ◆ Imposes restrictions on how health care practitioners may provide documentation relating to Emotional Support Animals (ESA)
- ◆ Requires documentation provider to include notice that the dog does not have the special training required to be a guide, signal, or service dog; and requires a person that provides a certificate, tag, vest, leash, or harness for an emotional support dog to give notice to the purchaser that the material does not entitle an emotional support dog to the rights and privileges afforded to a guide, signal, or service dog
- ◆ **Does not change the underlying federal or state law regarding reasonable accommodations for support animals in regard to housing!**





# Use of Prior Surname

- ◆ 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 for the purpose of conducting business associated with their license so long as both names are filed with the department



# Additional Resources

- ◆ 2022 New Laws Chart (Full list of all new laws) - <https://www.car.org/legal/Recent-Legal-Developments/2022-New-Laws>
- ◆ New Laws Webinar (recorded November 2021) - <https://www.car.org/riskmanagement/live>
- ◆ New Real Estate Laws Quick Guide – <https://www.car.org/-/media/CAR/Documents/Transaction-Center/PDF/QUICK-GUIDES/Quick-Guide---New-Real-Estate-Laws.pdf>