



**Secretary of State
Office of Professional Regulation**

**REAL ESTATE BROKERS AND SALESEPERSONS
Mandatory course outline
2022-2024 Renewal Schedule**

PART ONE: Current Laws, Rules and Cases (1.75 hours)

- A. Review last two years of disciplinary actions and rulings [herein summarize, avoid using actual names].

- B. Review Vermont’s 2022 housing legislation from Acts 181 and 182 of the Adjourned Session [Briefly review major components of the Act, including the following list].
 - 1. Creation of rental housing rules by Commissioner of Public Safety.
 - 2. Implementing a complaint-driven inspection system for rental units.
 - 3. Creation of Vermont Rental Housing Improvement Program with grants or loans up to \$50,000 per unit.
 - 4. Grants to First-Generation Homebuyers.
 - 5. Manufactured home improvement and replacement incentives.
 - 6. Develop new approaches to creating housing.
 - 7. Adding a flood mitigation tax credit.
 - 8. Financing to establish a Missing Middle-Income Homeownership Development Pilot Program.
 - 9. Licensure of Residential Construction Contractors with the OPR.
 - 10. Refines definition of “harass” in fair housing cases.
 - 11. Requires notice of possible VHAP help prior to tax sales.
 - 12. Creates Land Access and Opportunity Board to assist historically marginalized or disadvantaged communities.
 - 13. Amends zoning enabling act to provide protection for site plans and conditional uses for at least 2 years.
 - 14. Provides grants to municipalities to modernize municipal land use and development bylaws.
 - 15. Makes certain amendments and clarifications to Act 250.

- C. Review other significant legislation passed in the 2021-2022 session
 - 1. Act 19 – Validates certain instruments for perceived power of attorney errors.
 - 2. Act 43 – Requires timely annual notification of enrollment in agriculture land current use program.

3. Act 69 – Makes various amendments to OPR statutes including adding a new category of unprofessional conduct (engaging in conduct of a character likely to deceive, defraud, or harm the public).
 4. Act 107 – Providing special OPR rules for provisional licensure.
 5. Act 143 – Prohibits racially and religiously restrictive covenants in deeds as of July 1, 2022, and makes prior such restrictions void and unenforceable.
 6. Act 146 – Relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program.
 7. Act 157 – Authorizing miscellaneous regulatory authority for municipal governments during emergencies.
 8. Act 171 – Adopts the Uniform Real Property Electronic Recording Act (URPERA) of 2004 and the Revised Uniform Law on Notarial Acts (RULONA) of 2010. Special endorsements are required of notaries who perform electronic and remote notarial acts.
 9. Act 179 – Makes enhanced life estate deeds subject to the property transfer tax with provisions for valuing the reserved life estate and remainder interests.
- D. Review any recent legislative developments which post-date the formation of this outline.
- E. Review recent Vermont cases of interest to the profession [herein summarize at least three cases of interest to real estate professionals decided by the Vermont Supreme Court].

PART TWO: General current topics facing the brokerage community (1.25 hours)

- A. Review of hearings and discussions held by OPR in its sunset review of Administrative Rules pertaining to real estate brokers and salespersons.
- B. Accessory Dwelling Units – Legislative Action
 1. The mandatory zoning provision as recently amended - 24 VSA §4412(1)(E).
 2. Less restrictive variations in various towns.
 3. Protection from private restrictions – Act 4 (2021 session).
 4. Various effects of Act 181 (2022 adjourned session) on ADUs.
 5. Zoning amendment from Act 182 (Sec. 29) (2022 adjourned session).
 6. Status of coverage under Vermont’s fire code.

[Providers shall choose at least three of the following topics as they relate to real estate professionals and brokerage firms.]

- Selected review of Vermont sign law – size restrictions, condominiums, common driveways, “open house” signs, measuring highway right of way.
- Advertising restrictions – personal/business websites, social media, newsletters, signs on vehicles.
- Discussion of the need for advance notification to clients when they will

- lose representation due to conflict of interest.
- Applications of Rule 4.9(b)(7) requiring seller service agreements to be signed by all owners.
- Contract offers – deadlines, multiple offers, “love letter” follow-ups, handling offers with deposits.
- Vermont fair housing law – new protected classes, VT Human Rights Commission, testing.
- Internet and cyber security; safety in open houses and previews.

PART THREE: Impact of certain federal laws on real estate practices (1.00 hours)

- A. Sherman Anti-Trust Act
 1. Prohibitions relating to price fixing, group boycotting, allocation of markets, and tie-in agreements for real estate brokerage firms.
 2. Supreme Court ruling in North Carolina case.
 3. Statutory limits on Real Estate Commission by OPR under 3 VSA § 123(i).

- B. Lead-based paint and other lead hazards
 1. Lead-Based Paint Hazard Reduction Act of 1992.
 2. EPA’s Lead Renovation, Repair, and Painting Rule.
 3. Status of attempts in Vermont to delegate all authority to Vermont Health Department.
 4. Duties of real estate professionals under these laws/rules.

- C. Real Estate Settlement Procedures Act
 1. TILA-RESPA Integrated Disclosure Rule (TRID) – Know Before You Owe
 - a. Disclosures: Loan Estimate and Closing Disclosure.
 - b. Your Home Loan Toolkit booklet.
 2. Prohibited acts
 - a. Payment of kickbacks or unearned fees.
 - b. Requiring a buyer to use a particular title insurance company.
 - c. Lender prohibited from requiring excessive escrow deposits.

- D. Foreign Investors in Real Property Tax Act (FIRTPA)
 1. Who is a “foreign person?”.
 2. What is the purpose of law and when does the law apply?. How may a real estate professional be affected?

- E. Federal Fair Housing Act
 1. Steering, blockbusting, and redlining.
 2. Safety factors and marketing restrictions – familial status.
 3. Reasonable accommodations – emotional support animals; parking.

CONCLUSION