

NEW YORK

A. Actions Requiring Licensure

Determination for whether licensure is required for acts typically performed by land or right-of-way agents in New York is governed generally by New York Consolidated Laws Service for Real Property (“NY CLS Real P”) § 440, *et seq.* Specifically, the statute provides that “(n)o person, co-partnership, limited liability company or corporation shall engage in or follow the business or occupation of, or . . . hold himself or itself out or act temporarily or otherwise as a real estate broker or real estate salesman in this state without first procuring a license therefor as provided in this article.” A “broker” is defined as “any person, firm, limited liability company or corporation, who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate . . .” An “associate real estate broker” is a licensed real estate broker who works under another individual broker, and a “real estate salesman” is one who is “associated with a licensed real estate broker to list for sale, sell or offer for sale, at auction or otherwise, to buy or offer to buy or to negotiate the purchase or sale or exchange of real estate . . .”

A. Exceptions

There are no stated exceptions or exemptions in the Code, so determination of licensure requirement would come from parsing who IS requires. Although in practice, landmen and right-of-way agents are not typically licensed in this jurisdiction. Other than for licensed attorneys working for clients, there don’t appear to be statutory exceptions under the New York Statutes.