
OLR Bill Analysis

sSB 340 (File 222, as amended by Senate "A")*

AN ACT CONCERNING CONTINUING REAL ESTATE EDUCATION REQUIREMENTS, PUBLIC MARKETING OF CERTAIN REAL ESTATE LISTINGS AND REVISING THE TITLE OF A REAL ESTATE SALESPERSON TO A REAL ESTATE AGENT.

SUMMARY

This bill makes various changes to statutes related to real estate licensees.

Among other things, the bill:

1. establishes a two-hour minimum for each Department of Consumer Protection (DCP)-approved continuing education course for real estate licensees (§ 1);
2. replaces the term "real estate salesperson" with the term "real estate agent" throughout the statutes on licensure and other related statutes (§§ 2-31); and
3. establishes requirements for real estate brokers and agents representing sellers or landlords in transactions pertaining to one- to four-unit residential properties, including a requirement for general public availability and a public marketing opt-out process, and subjects violators to license suspension or revocation, fines up to \$5,000 per violation, or both (§ 32).

Lastly, it makes minor, technical, and conforming changes.

*Senate Amendment "A" (1) adds statutory definitions for the terms "public marketing," "multiple listing service," and "residential real property;" (2) revises the requirements for licensees representing sellers and landlords; (3) adds a requirement for properties to be made available to the general public at the same time or before the start of public marketing; (4) makes changes to the format and content of the

landlord/seller opt-out forms and requires that they are executed, if requested, at the time the listing agreement is executed; and (5) adds provisions that specify how the bill should not be construed.

EFFECTIVE DATE: October 1, 2026, except the sections with the terminology change are effective January 1, 2027 (§§ 2-31).

REAL ESTATE LICENSEES CONTINUING EDUCATION

By law, real estate licensees must satisfy continuing education requirements by taking DCP-approved courses, a written examination, or equivalent education or study.

Under existing law, the DCP-approved courses must be a total of at least 12 hours of classroom study in current real estate practices and licensing laws, including those related to common interest communities. The bill specifically requires that the DCP-approved courses used to satisfy the continuing education requirement be at least two hours per course.

ONE- TO FOUR-UNIT RESIDENTIAL PROPERTY TRANSACTIONS

Regarding residential property transactions, the bill does the following:

1. establishes specific requirements for real estate brokers or agents representing sellers or landlords in transactions involving one- to four-unit residential properties, including (a) a cooperative or condominium with up to four units total and (b) any individual unit within a multiunit development;
2. creates an exception if the seller or landlord specifically excludes someone in the listing agreement; and
3. subjects violators, after a hearing, to license suspension or revocation, fines up to \$5,000 per violation, or both. (These are the same penalties as under existing law for various real estate business-related violations.)

Requirements for Licensees Representing the Seller or Landlord

Under the bill, in any real estate transaction that involves a one- to four-unit residential property, the real estate broker or agent representing the seller or landlord must carry out the following requirements through the prospective buyer's or tenant's broker or agent if the person is represented, or to the person directly if unrepresented:

1. disclose all property information authorized by the seller or landlord, and any other information or material facts they are obligated to disclose to prospective buyers or tenants on an equal and nondiscriminatory basis;
2. respond to inquiries from any prospective buyer or tenant on an equal and nondiscriminatory basis or designate a specific individual responsible for doing so; and
3. make the residential property available for in-person or virtual showings to any prospective buyer or tenant on an equal and nondiscriminatory basis.

General Public Availability

The bill generally requires a seller's or landlord's real estate broker or agent in a residential property transaction to make the property available to the general public on a fair, nondiscriminatory, and publicly accessible listing platform that is reasonably designed to generate broad public exposure to prospective buyers or tenants. The broker or agent must do this at the same time as, or before, the first public marketing (see below).

The broker or agent may do so through an active listing on (1) at least one multiple listing service operating in this state, (2) a publicly accessible Internet listing platform, or (3) any other electronic listing platform that provides unrestricted public access to listing information. However, the broker or agent cannot use a listing platform, if access to it is limited or the platform (1) requires an invitation, password, or other credentials to access it or (2) is designed primarily for internal use by a

single brokerage or affiliated group.

Multiple Listing Service. Under the bill, “multiple listing service” is any cooperative information exchange system, operated by, or on behalf of, licensed real estate brokers, that:

1. aggregates and disseminates information regarding real estate listings among participating real estate brokers on a broad and nondiscriminatory basis, and is not limited to (a) a single brokerage or affiliated group of brokerages or (b) an exclusionary group of participating real estate brokers;
2. is governed by standardized rules;
3. allows distributing real estate listing information to publicly accessible real estate marketplaces and websites at the same time with, and not later than, the real estate listing’s first public marketing; and
4. is not established or operated to limit the visibility or distribution of real estate listings.

Interpretation of the Residential Property Transactions Provisions

The bill specifies that its new provisions on real estate property transactions must not be interpreted as doing any of the following:

1. requiring a seller or landlord to publicly market and submit the residential property for active listing on at least one multiple listing services operating in Connecticut;
2. prohibiting the use of private listings, pocket listings, or office-exclusive listings, if the listing is not publicly marketed;
3. restricting a seller from directing a broker or agent to market the property privately or to a limited group of prospective buyers, provided any such direction complies with all state and federal laws;
4. restricting an individual agent at a brokerage to market to

another agent at a different brokerage when marketing a private listing or pocket listing, if the private listing or pocket listing is not publicly marketed; or

5. restricting the broker or agent representing the seller or landlord from giving property information to other real estate brokers or real estate agents controlled and supervised by the same supervising licensee in the same office.

Public Marketing

Under the bill, “public marketing” means any promotion or distribution of information through any medium that is reasonably accessible to prospective buyers or tenants, real estate licensees, and the general public that provides open and nondiscriminatory access to available residential real property for sale or lease, such as:

1. the display of real estate listings on a publicly accessible website or digital platform;
2. promotion through any social media platform;
3. distribution through email to more than one recipient at a time;
4. signage directing consumers to a real estate broker;
5. publication on a real estate broker's or brokerage website, application, or other digital platform, or inclusion on a private network established among at least two real estate brokerage agencies or franchisees; or
6. digital advertisement intended for public distribution.

Public Marketing Opt-Out Form

Under the bill, at the time the listing agreement is executed, if the seller or landlord of these properties requests to opt out of public marketing, their real estate broker or agent must execute a Seller/Landlord Opt-Out of Real Estate Public Marketing form, a document with at least 10-point type size in the following form:

“SELLER OPT-OUT OF REAL ESTATE PUBLIC MARKETING

Public marketing of residential property through multiple listing services, Internet portals and web sites is intended to maximize exposure to prospective buyers and promote competition in the sale of such property.

This form documents the Seller’s informed decision to decline such public marketing and the potential consequences of doing so.

.... (Seller)

.... (Property Address)

By signing below, the Seller acknowledges and agrees to the following (initial each):

.... (1) The Seller understands that the Seller’s property may not be visible to a broad range of prospective buyers and real estate licensees representing prospective buyers of the Seller’s property.

.... (2) The Seller understands that foregoing public marketing may reduce competition for the property, may result in fewer offers to purchase the Seller’s property and may adversely impact the final sale price and terms of the sale of the Seller’s property.

.... (3) The Seller understands that limiting or restricting access to the property, including showings or tours, may further reduce buyer interest and may not be in the Seller's best financial interest.

.... (4) The Seller is making this decision knowingly and voluntarily, and has had the opportunity to consult with a real estate broker or real estate agent and Seller's Attorney regarding the potential impacts of this decision.

.... (Seller)

.... Date

.... (Authorized Representative)

.... Date

.... (Brokerage Name)

LANDLORD OPT-OUT OF REAL ESTATE PUBLIC MARKETING

Public marketing of residential property through multiple listing services, Internet portals and web sites is intended to maximize exposure to prospective tenants and promote competition in the rental of such property.

This form documents the Landlord's informed decision to decline such public marketing and the potential consequences of doing so.

.... (Landlord Name)

.... (Property Address)

By signing below, the Landlord acknowledges and agrees to the following (initial each):

.... (1) The Landlord understands that the Landlord's property may not be visible to a broad range of prospective tenants and real estate licensees representing prospective tenants of the Landlord's property.

.... (2) The Landlord understands that foregoing public marketing may reduce competition for the property, may result in fewer offers to rent the Landlord's property and may adversely impact the final rent price and terms of the sale of the Landlord's property.

.... (3) The Landlord understands that limiting or restricting access to the property, including showings or tours, may further reduce tenant interest and may not be in the Landlord's best financial interest.

.... (4) The Landlord is making this decision knowingly and voluntarily, and has had the opportunity to consult with a real estate broker or real estate agent and Landlord's Attorney regarding the potential impacts of this decision.

.... (Landlord) Date

.... (Authorized Representative) Date

.... (Brokerage Name)"

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 13 Nay 0 (03/12/2026)