

From: NYSAR <nyrealtors@nysar.org>
Sent: Tuesday, April 7, 2020 8:57 AM
Subject: Flash Update - NYSAR Letter to the DOL



April 7, 2020

Dear NYSAR members,

Never before have independent contractors like REALTORS® been able to receive unemployment benefits. We know you have questions and we are working with the Department of Labor to get answers. Please understand that processing the massive increase in unemployment claims from an entirely new business sector, while processing a huge jump in regular claims, has strained the DOL's resources. They have increased staffing and technical capabilities which we hope helps alleviate some of the delays in processing claims.

We sent the following letter to the Department seeking clarification on REALTOR®-specific questions that you have sent us. We have a lot of information already on our Pandemic Unemployment Assistance FAQ on nysarcovidupdates.com Please use this resource!

April 6, 2020

Dear Commissioner Reardon,

In recognition that the New York State Department of Labor continues to put forth its best efforts to serve New Yorkers during these turbulent times, we write to request guidance on the NYS DOL's administration of the newly created "Pandemic Unemployment Assistance" (PUA) program.

The New York State Association of REALTORS® includes more than 59,000 members, the vast majority of whom are independent contractors. Like New Yorkers across the State, our members are facing tremendous challenges in the face of the COVID-19 pandemic. Because PUA is an economic lifeline that thousands of our members may need, we want to best serve them by providing them with accurate information concerning PUA's eligibility requirements and benefits. To that end, we have several questions concerning PUA that remain unanswered. The following are a sample of those questions:

- If a real estate licensee is only responding to client calls and emails, will that be considered "working" and will that preclude them from collecting PUA?*
- If a real estate licensee is paid a commission for a property that closed how does that impact the PUA under the following circumstances: a) the closing occurred before the Executive Order declaring a State of Emergency, but the commission was paid after; b) the closing occurred after the Executive Order declaring a State of Emergency and the commission was paid during the State of Emergency.*
- Please clarify the meaning of self-employed individuals. If my business is incorporated and my corporation pays me, am I considered self-employed?*
- I have been working in real estate for 5 months and have not earned a commission yet. Am I eligible for PUA?*
- If I am collecting a pension from previous employment, can I still collect PUA for my real estate practice?*
- Can a husband and wife both collect PUA if the commissioned sales were paid to only one of them and they are not incorporated?*
- My commissioned sales are paid by my broker in the name of my S corporation or LLC. My corporation then pays me and I receive a W-2 from my corporation. When I apply for PUA do I use my corporation salary or the 1099 commission income?*
- I own investment properties. Can I still apply for PUA for my real estate income loss?*

We look forward to receiving responses to these and other questions. Thank you for your dedicated service to New York's workforce during these challenging times.

Regards,

Jennifer Stevenson, President

#strongerTogetherR

www.nysarcovidupdates.com

Stay informed and updated about COVID-19 and the impact it is having on New York REALTORS® and New York State.

