

How to Apply for a Real Estate License Guide

Disclaimer: The How to Apply for a Real Estate License Guide (the “Guide”) has been issued by the Superintendent of Real Estate (the “Superintendent”) to provide guidance for real estate license applicants. The Guide is not exhaustive and applicants should be familiar with the statement of principles, the Real Estate Brokers’ Licensing Act 2017 (the “Act”), the Real Estate Brokers’ Licensing Regulations 2017, as well as guidance notes, as provided for under the Act and the Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing Supervision and Enforcement) Act 2008.

The following documents should be submitted for an application for a license and are described in each sub-section following the list:

	Topic	Check (✓)
1	Completed Application Form (for all applicants)	
2	Annual Statistical Return (for Brokers) – due 15 February 2019	
3	Passport Certification (for all applicants)	
4	Immigration Status (as applicable)	
5	Real Estate Examination Pass Letter from Bermuda College (for new applicants)	
6	GoAML Registration (for Brokers)	
7	AML/ATF Policies and Procedures (for Brokers)	
8	Risk Assessment Form (for Brokers)	
9	Declaration of Attendance at Superintendent Training (for all applicants)	
10	Criminal Background Check Results from the Bermuda Police Service/Magistrate’s Court (for new applicants)	
11	Report of the Auditors (for Brokers)	
12	Licence Fees (for all applicants)	

1. Completed Application Form (for all applicants)

There are two types of licenses and the applicant must submit the license application relevant to the type of license. These licenses and provisions are explained in the statement of principles. They are Broker (Form 1) and Agent (Form 2). Ensure all fields are populated. Where there is no answer for a question, indicate the information is not applicable.

2. Annual Statistical Return (for Brokers)

The Annual Statistical Return is the data collection for statistical information to assist the Superintendent in risk rating every broker and agent as well as to generally supervise the sector. Timely filing of an accurate return is a condition of licensing for brokers. Please ensure all information, especially financial information, is fully populated. Annual Statistical Returns are for the period beginning 1 January 2018 and ending 31 December 2018. The submission deadline is 15 February 2019.

3. Passport Certification (for all applicants)

A certified copy of the details page of the passport as well as the page stamped to show the holder is registered as a Bermudian (if the applicant is Bermudian) must accompany the application that is submitted by the Broker.

4. Immigration Status (as applicable)

If the applicant is a permanent resident certificate holder (“PRC”) or spouse of a Bermudian, a certified copy of the PRC certificate and spousal letter must accompany the application. If you have had a name change due to marriage and/or your passport does not reflect your new name, then such proof of a certified marriage certificate must be provided to show your name change.

5. Real Estate Examination Pass Letter from Bermuda College (for new applicants)

Before applying for a real estate license, new applicants are required to pass the real estate examination (with 70% or above) as administered by the Bermuda College. The Pass Letter, issued by the College after a successful examination, must be submitted with the application for a new license.

Holders of a broker or agent license issued in the previous calendar year are not required to submit a Pass Letter.

6. GoAML Registration (for Brokers)

All brokers must register with the Financial Intelligence Agency (“FIA”). The FIA is the body to which reports of suspicious activity must be made. Brokers who register with the FIA at www.fia.bm will receive email confirmation of that registration. A hard copy of that email is to be submitted with the application package. On the FIA website select ‘Report a Suspicious Activity’ at the top of the page and proceed to click on the link to file a suspicious activity report. Before you register on the FIA website, contact should be made with their office at: analyst@fia.bm to ensure proper registration.

Brokers who have previously provided the Superintendent with the requisite FIA registration confirmation do not need to resubmit, and do not need to re-register with the FIA.

7. Policies and Procedures (for Brokers)

First-time applicants for a broker’s license are required to submit their AML/ATF policies and procedures to the Superintendent along with their license application. Renewing Brokers are required to declare in a cover letter addressed to the Superintendent that policies and procedures are prepared and ready for inspection.

Policies and procedures are the document(s) which outline the *who, what, why, where* and *how* of the brokers internal operations.

The following topics must be outlined in both a policy and a procedure:

Topic	AML Terminology
Client onboarding/take-on process	Customer Due Diligence
Retention of records/filing	Record Keeping
Reporting suspicious activity reporting	Suspicious Activity Reporting
Continuing Professional Development and AML Training	Training
AML Business Risk Assessment	Business Risk Assessment, addressing Customers, Delivery Channels, Geographic, Product/Service

The Superintendent has developed a template to assist real estate brokers in the development of their AML/ATF policies and procedures. It is not required for brokers to use this format, but this document is a guide and should not be considered to be legal advice. Please refer to the Proceeds of Crime Act, the Anti-Terrorism (Financial and Other Measures) Act and associated Regulations for the full description of broker obligations. (Please see AML/ATF Policies and Procedures Template on the government webpage portal under 'Requirements to apply for a licence').

8. Risk Assessment Form (for Brokers)

First-time applicants for a broker's license are required to submit their completed risk assessment to the Superintendent along with their license application. Renewing Brokers are required to declare in a cover letter addressed to the Superintendent that their risk assessment is completed and ready for inspection.

The Proceeds of Crime (Anti-Money Laundering and Anti-Terrorism Financing) Regulations 2008 requires real estate brokers to conduct a risk assessment of your exposure to money laundering and terrorism financing and apply corresponding mitigation and controls. The Superintendent has prepared a Risk Assessment Form checklist template as an example only. You may choose to conduct your risk assessment using a different approach. (Please see Risk Assessment Form Template on the government webpage portal under 'Requirements to apply for a licence').

9. Declaration of Attendance at Superintendent Training (for all applicants)

Both first-time Broker applicants as well as renewing Brokers are required to declare which training session(s) presented by the Superintendent they attended in the 2018 reporting period. This requirement is limited to the internal staff designated to lead or develop the compliance programme and not relevant to all agents. Declaration of attendance can be provided in a cover letter addressed to the Superintendent of Real Estate.

10. Criminal Background Check Results from the Bermuda Police Service/Magistrate's Court

Effective 6 July 2018, the Bermuda Police Service ("BPS") has temporarily suspended its criminal records office vetting operations. In the interim of the BPS taking steps to resume operations, the Superintendent will be accepting criminal record clearance letters from Magistrate's Court for all new applicants for the 2018/2019 licensing period. A criminal record clearance letter will not be required for renewal applicants who provide an attestation of no change in their criminal record by signing the requisite licence application form.

If brokers already have criminal background check results, those results must be no older than three (3) months from the date of application submission, and must have been addressed directly to the applicant.

11. Report of the Auditors (for Brokers)

All broker licence applicants for renewals must submit an auditor's report¹ as outlined in Form 5 of the Real Estate Brokers' Licensing Regulations 2017.

12. Licence Fees (for all applicants)

All fees are required under the Government Fees Regulations 1976, Head 65:

Type of License	Fee Amount
Annual broker's license	\$670
Annual agent's license	\$110

¹ Section 23(3) of the Real Estate Brokers' Licensing Act 2017