

## REALTOR® Party State Legislative Monitor Weekly Report May 16, 2019

### Affordable Housing

Four **California** bills with provisions relating to affordable housing have been scheduled for a May 16 hearing in the Assembly Appropriations Committee. These bills include:

- [AB 791](#), which would authorize low-income housing projects located in qualified opportunity zones to receive a low-income housing tax credit, provided that both the projects and developers meet specified requirements.
- [AB 1020](#), which would create a new state agency known as the California Housing Agency, which would consolidate and reorganize several existing state agencies with responsibilities relating to housing under the new agency.
- [AB 1717](#), which would establish the Transit-Oriented Affordable Housing Funding Program, which would promote the creation of municipal zoning districts which incentivize the creation of affordable housing in proximity with public transit.
- [SB 5](#), which would authorize local governments to establish an Affordable Housing Authority to fund affordable housing.

**California** [AB 1763](#) passed the Assembly on May 13, it was then sent to the Senate, where it was referred to the Rules Committee. As passed the Assembly, this bill would require a density bonus to be provided to a developer who agrees to construct a housing development in which 100 percent of the total units are for lower income households. It would also exempt housing developments from maximum controls on density if located within one half mile of a major transit stop or a high-quality transit corridor.

**Nevada** [SB 103](#) passed the Assembly Government Affairs Committee on May 15. This bill would authorize local governments to reduce or subsidize certain fees for the purpose of funding an enterprise fund for affordable housing projects.

**Nevada** [SB 398](#) is scheduled for a May 16 hearing in the House Government Affairs Committee. This bill would direct boards of county commissioners and governing boards of certain cities to expend specified funds for the development or redevelopment of affordable housing.

**Oregon** [HB 2997](#) is scheduled for a May 20 hearing in the Senate Housing Committee. This bill would authorize mid-size cities in the state to impose affordable housing conditions on housing developments through 2023.

**Washington** [HB 1746/Chapter 273](#) was signed by Democratic Gov. Jay Inslee on April 26 and will take effect July 28. This act will incentivize the development of commercial office space in cities in a county with a population of less than 1.5 million by authorizing local sales and use and property taxes.

### Growth Management



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Several **California** bills with provisions relating to growth management have been scheduled for a May 16 hearing in the Assembly Appropriations Committee. These bills include:

- [AB 68](#), which would require local agencies to, in areas zoned for housing, approve building permits for the construction of accessory dwelling units.
- [AB 69](#), which would require the Department of Housing and Community Development to propose standards for accessory dwelling units and homes smaller than 800 square feet.
- [AB 671](#), which would require local governments to enact ordinances that incentivize and promote the creation of accessory dwelling units that can be offered at affordable rent for very low, low and moderate-income households.
- [AB 1279](#), which would allow development sites in “high-resource areas” to bypass certain density and height zoning restrictions if the development meets specified criteria.
- [AB 1568](#), which would require the state’s Department of Housing and Community Development to review and certify municipal land use development plans annually before June 30 each year.
- [SB 13](#), which would make changes to how municipalities may regulate accessory dwelling units, including reducing or eliminating municipal fees on such units.
- [SB 50](#), which would require local governments to create incentives for relaxing zoning standards in job-rich and transit-rich areas.
- [SB 330](#), which would create the Housing Crisis Act of 2019. It would create a statewide streamlined approval process for housing developments, place restrictions on certain high-rental cost developments, and create a process for legalizing occupied buildings that do not meet state or local habitability codes.

**California** [AB 881](#) passed the Assembly on May 13 and was transmitted to the Senate, where it was referred to the Rules Committee. This bill would restrict the types of regulations that local governments may impose on accessory dwelling units for the purpose of encouraging their construction.

**California** [AB 1485](#) passed the Assembly on May 9 and was sent to the Senate, where it was referred to the Rules Committee. This bill would create a streamlined approval process for housing developments for projects that limit 20 percent of the units to up to 120 percent of the area median income or less.

**Maine** [LD 970](#) passed the legislature on May 14 and is now awaiting enrollment and transmission to Democratic Gov. Janet Mills. The bill is now awaiting enrollment and presentation to Democratic Gov. Janet Mills. This bill would direct municipalities to develop comprehensive planning policies that provide for accessory dwelling units.

**Washington** [HB 1923/Chapter 348](#) was signed by Democratic Gov. Jay Inslee on May 9 and will take effect July 8. This act will encourage cities with a population greater than 10,000 to take certain actions to increase residential building capacity and housing affordability through the adoption of new or amended land use and zoning laws.

## NAR Miscellaneous

**Georgia** [HB 288/Act 231](#) was signed by Republican Gov. Brian Kemp on May 6 and will take effect January 1, 2020. This act will revise the fee schedule for filing legal documents relating to real estate.

**Georgia** [SB 2/Act 51](#) was signed by Republican Gov. Brian Kemp on April 26 and took effect immediately. This act authorizes certain electricity cooperations to provide broadband services in the state.

**Georgia** [SB 17/Act 52](#) was signed by Republican Gov. Brian Kemp on April 26 and took effect immediately. This act authorizes telephone cooperatives and their broadband affiliates to provide broadband services in the state.

**Georgia** [SB 37/Act 255](#) was signed by Republican Gov. Brian Kemp on May 7 and will take effect July 1. This act will specify that an agreement to modify, alter, cancel, repeal, revoke, release or rescind a contract that is subject to the statute of frauds must be in writing and subject to the statute of frauds.

**Georgia** [SB 97/Act 258](#) was signed by Republican Gov. Brian Kemp on May 7 and will take effect July 1. This act will limit fees for self-storage facilities for the late payment of rent and provide for liens and the enforcement of liens for fees for such late payments.

## Emotional Support Animals

**Alabama** [SB 10](#) passed the House Judiciary Committee and a subsequent second reading on May 15. The bill is now awaiting a third reading in the House. This bill would prohibit discrimination against a person for using a service animal in a housing accommodation or public accommodation. It would also create penalties for the misrepresentation of an animal as a service animal.

**Illinois** [HB 3671](#) is scheduled for a May 16 hearing in the Senate Agriculture Committee. This bill would authorize landlords to request supporting documentation from individuals who request the use of an assistance or service animal. It also provides that landlords may require tenants to cover costs for damage caused by such animals.

**Nevada** [SB 367](#) passed the Assembly Government Affairs Committee on May 15. This bill would authorize a tenant of housing acquired, constructed or rehabilitated through the state's affordable housing trust fund to keep a pet within their residence.

**Oklahoma** [HB 1309](#) was signed by Republican Gov. Kevin Stitt on May 14 and will take effect November 1. This act will prohibit individuals from misrepresenting an animal as a service animal and create penalties for the violations of these provisions.

## Real Estate License Law

**Georgia** [HB 192/Act 241](#) was signed by Republican Gov. Brian Kemp on May 7 and will take effect July 1. This act will create requirements relating to the establishment and maintenance of real estate management companies and grant the state's Real Estate Appraisers Board to oversee and promulgate rules regulating real estate management companies.

**Louisiana** [HB 299](#) passed a second reading in the Senate on May 13 and was subsequently referred to the Senate Commerce, Consumer Protection and International Affairs Committee. This bill would require



certain continuing education courses for real estate licensure be approved by the state Real Estate Commission, others would be exempt from any type of approvals process.

**Nebraska** [LB 454](#) advanced to enrollment and review, a process during which the bill is checked for grammatical errors before transmission to the governor, on May 16. This bill would eliminate the requirement that a real estate broker or salesperson obtain a high school diploma or equivalent as a prerequisite for licensure.

**New Jersey** [SB 2472](#) passed a second reading in the Assembly on May 13. This bill would require real estate licensees to complete at least one hour of education concerning fair housing and housing discrimination as a prerequisite for licensure as a broker, broker-salesperson or salesperson, and complete at least one hour of continuing education concerning fair housing and housing discrimination during each biennial license term as a broker, broker-salesperson or salesperson. A companion bill, [AB 3756](#), is currently awaiting a second reading in the Assembly.

## Seller Disclosures

**Maine** [LD 89](#) was heard in the Joint Judiciary Committee on May 14, however the committee took no action on the bill and it remains pending. This bill would require landlords and other persons entering into a lease or tenancy to disclose to the potential tenant or lessee that a property has been used in the manufacture of methamphetamine. It would also require landlords to ensure that property used in the manufacture of methamphetamine be decontaminated and tested in accordance with EPA standards.

**Oregon** [HB 2312](#) passed the Senate Business and General Government Committee on May 14 and is awaiting a second reading in the Senate. This bill would require sellers of real property to disclose, at the time of offer, whether they have ever purchased flood insurance for the property.

## Rent Control

**California** [AB 1482](#) passed a second reading in the Assembly on May 9 and is now awaiting a third reading in that chamber. This bill contains provisions that would create rent caps by prohibiting owners of residential real property from increasing the rental rate for a property by more than a yet-unspecified percentage over the previous year's rental rate.

**Washington** [HB 1798/Chapter 346](#) was signed by Democratic Gov. Jay Inslee on May 9 and will take effect July 28. This act will require short-term rental owners and online hosting platforms to register with the state, collect and remit taxes, and comply with consumer safety requirements.

## Local Short-Term Rental

**Louisiana** [HB 43](#) is scheduled for a May 16 hearing in the Senate Local and Municipal Affairs Committee. This bill would authorize the city of New Orleans to levy a local tax on short-term rentals.

**New Jersey** [AB 4814](#) is scheduled for a May 20 hearing in the Assembly Tourism, Gaming and the Arts Committee. This bill specifies that transient accommodations and rentals will only be subject to taxes if the rental is obtained through a marketplace, online or otherwise, that allows accommodations to be



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listed and provides a means for arranging the rental of an accommodation. An identical companion bill, [SB 3158](#), passed the Senate Community and Urban Affairs Committee on May 13 and was subsequently referred to the Senate Budget and Appropriations Committee.

## Electronic and Remote Notarization

**Maryland** [SB 678/Chapter 407](#) was signed by Republican Gov. Larry Hogan on May 13 and will take effect October 1, 2020. This act contains numerous provisions relating to the regulation of notaries public in the state and outlines the manner in which remote notarial acts are to be performed.

**New Jersey** [AB 4860](#) passed the Assembly Regulated Professions Committee on May 13 and was subsequently referred to the Assembly Appropriations Committee. This bill, the “Remote Online Notaries Public Act,” would direct the state treasurer to implement rules and regulations to facilitate online remote notarizations.

**Oklahoma** [SB 915](#) was signed by Republican Gov. Kevin Stitt on May 9 and will take effect January 1, 2020. This act will authorize notaries public to certify electronic documents remotely. The act will also create registration and recordkeeping requirements for such notarizations.

## Transfer/Conveyance Taxes

**Georgia** [HB 183/Act 255](#) was signed by Republican Gov. Brian Kemp on May 6 and will take effect July 1. This act will create a right to appeal for any taxpayer that fails to file a property tax return or whose property tax return was deemed returned.

**Georgia** [HB 507/Act 223](#) was signed by Republican Gov. Brian Kemp on May 6 and will take effect January 20, 2020. This act will revise the criteria used by tax assessors to determine the fair market value of real property for the purpose of ad valorem taxation of property.

**New Hampshire** [HB 600](#) passed the Senate Ways and Means Committee on May 15. This bill would exempt transfers of interest in property by a New Hampshire investment trust from the state’s real estate transfer tax. A similar bill, [SB 244](#), passed the Senate Ways and Means Committee on March 7.

## Session Overview

**Alabama, Arizona, California, Connecticut, Delaware, Illinois, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Vermont and Wisconsin** are in regular session. The **District of Columbia** Council, **Puerto Rico** and the **United States** Congress are also in regular session.

**Alaska** Republican Gov. Mike Dunleavy issued a [proclamation](#) calling for a 30-day special session beginning May 16. The special session will deal with subjects relating to appropriations for public education and transportation of students, appropriations for the operating and loan program and appropriations for mental health programs.



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According to a **South Carolina** [concurrent resolution](#), the legislature will return for a three-day special session on May 20 to deal with the state budget and other contested issues not resolved during conference committees, reports [WACH](#).

**West Virginia** Republican Gov. Jim Justice signed a [proclamation](#) on March 7 authorizing a special session to act on education matters, the [Charleston Gazette-Mail](#) reports. The proclamation outlines a broad special session scope, authorizing consideration of general improvements to the state's public education system and employee compensation. Education officials kicked off a series of public hearings on March 18 as part of preparations for their upcoming special session. The special session is currently in recess to the call of the House speaker and the Senate president, but is anticipated to overlap with the May 20-21 interim meetings, reports the [Herald Dispatch](#).

The following states adjourned their 2019 legislative sessions on the dates provided: **South Carolina** (May 9) and **Alaska** (May 15).

The following states are scheduled to adjourn on the dates provided: **Arizona** (May 16) and **Missouri** and **Vermont** (May 17).

**Washington** Democratic Gov. Jay Inslee has until May 21 to act on legislation presented on or after April 23 or it becomes law without signature. **Iowa** Republican Gov. Kim Reynolds has until May 27 to act on legislation presented on or after April 24 or it is pocket vetoed. **Maryland** Republican Gov. Larry Hogan has until May 28 to act on legislation or it becomes law without signature. **Colorado** Democratic Gov. Jared Polis has until June 2 to act on legislation presented on or after April 23 or it becomes law without signature. **Hawaii** Democratic Gov. David Ige has until July 9 to act on legislation presented on or after April 19 or it becomes law without signature. **Alaska** Republican Gov. Mike Dunleavy has 20 days from delivery, Sundays excepted, to act on legislation or it becomes law without signature. **Arkansas** Republican Gov. Asa Hutchinson has 20 days from presentment to act on legislation presented on or after April 18 or it becomes law without signature. **Florida** Republican Gov. Ron DeSantis has 15 days from presentment to act on legislation presented on or after April 27 or it becomes law without signature. **Kansas** Democratic Gov. Laura Kelly has 10 days from presentment to act on legislation or it becomes law without signature. **Kentucky** Republican Gov. Matt Bevin has 10 days from presentment, Sundays excepted, to act on legislation or it becomes law without signature. **Mississippi** Republican Gov. Phil Bryant has 15 days from presentment, Sundays excepted, to act on legislation presented on or after March 24 or it becomes law without signature. **Montana** Democratic Gov. Steve Bullock has 10 days from presentment to act on legislation or it becomes law without signature. **North Dakota** Republican Gov. Doug Burgum has 15 days from presentment, Saturdays and Sundays excepted, to act on legislation or it becomes law without signature. **South Carolina** Republican Gov. Henry McMaster has until two days after the next meeting of the legislature to act on legislation presented on or after May 3 or it becomes law without signature. **Tennessee** Republican Gov. Bill Lee has 10 days starting the day after presentment, Sundays excepted, to act on legislation or it becomes law without signature.

**Indiana** Republican Gov. Eric Holcomb had a signing deadline on May 8. **Georgia** Republican Gov. Brian Kemp had a signing deadline on May 12.

The following states are currently holding 2019 interim committee hearings: [Kansas](#), [Kentucky](#), [Maryland](#), [New Mexico](#), [South Dakota](#), [Utah](#), [Virginia](#), [Washington](#), [West Virginia](#) and [Wyoming](#).

The following states are currently posting 2019 bill drafts, profiles and interim studies: [Arkansas](#) and [Kentucky](#).

## Special Elections

The following seats will be filled by special elections on the dates provided: **Pennsylvania** House District 11 and Senate districts 33 and 41 (May 21); **California** Senate districts 1 and 33 (June 4); **Florida** House districts 7, 38 and 97 (June 18); **Washington** House District 13b and Senate District 40 (August 6); **Alabama** House District 74 (August 27); **Missouri** House districts 99 and 158, **New Jersey** Senate District 1 and **New York** Senate District 57 (November 5) and **Alabama** House District 74 (November 12).