

REALTOR® Party State Legislative Monitor

Weekly Report

May 9, 2019

Affordable Housing

California [AB 723](#) passed the Assembly on May 6 and was transmitted to the Senate, where it was referred to the Rules Committee. This bill would authorize Alameda and Contra Costa Counties to provide certain lessors with low-income rental housing incentives. In order to qualify, a property must be used exclusively for rental housing and is rented to no more than 30 percent of the income level of persons of low income.

California [AB 791](#) was amended in the Assembly Appropriations Committee on May 7 and subsequently retained by the committee for further consideration. As amended, this bill 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.

California [AB 957](#) passed the Assembly Appropriations Committee on May 8 and was referred to the Assembly floor, where it is awaiting a second reading. This bill, a housing omnibus bill, makes numerous changes to housing law in the state, including authorizing counties to use state grants to provide rental and supportive housing assistance.

California [AB 1763](#) passed a second reading in the Assembly on May 2. As passed second reading, 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.

Florida [HB 7103](#) passed the Senate on May 3, and was subsequently returned to the House and enrolled. It is now awaiting transmission to Republican Gov. Ron DeSantis. As passed the legislature, this bill would make numerous changes to property development regulations, including restricting counties and municipalities from adopting or imposing mandatory affordable housing ordinances. A full analysis of the bill can be found [here](#).

Hawaii [HB 820](#) was presented to Democratic Gov. David Ige on May 1. Governor Ige has a deadline of July 3 to take action on this bill or it will become law without his signature. As passed the legislature, this bill would prohibit the imposition of inclusionary zoning requirements on housing offered exclusively for sale in perpetuity to certain buyers. It would also create the ALOHA homes program aimed at providing affordable, locally owned homes for state residents within one-half mile of a public transit system.

Iowa [HF 772](#) was presented to Republican Gov. Kim Reynolds on May 2. Governor Reynolds has a deadline of June 13 to take action on the bill or it will become law without her signature. As passed the legislature, this bill would expand the state's workforce housing tax incentives program, by expanding grants for the program and creating a competitive applications process for grants under the program.

Nebraska [LB 86](#) was placed on the final reading calendar on May 7. This bill would increase fees used to fund the state's affordable housing trust fund and require that a percentage of the Affordable Housing Trust Fund be used on projects located in "extremely blighted areas."

Oregon [HB 2997](#) is scheduled for a May 13 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.

Growth Management

California [AB 670](#) passed the Assembly on May 6. The bill was then sent to the House, where it was referred to the Rules Committee. As passed the Assembly, this bill would make provisions in a common interest development's governing document void and unenforceable if it prohibits the construction of accessory dwelling units or junior accessory dwelling units.

California [SB 50](#) is scheduled for a May 13 hearing in the Senate Appropriations Committee. This bill would require local governments to create incentives for relaxing zoning standards in job-rich and transit-rich areas.

California [SB 330](#) is scheduled for a May 13 hearing in the Senate Appropriations Committee. This bill 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.

Colorado [HB 1245](#) passed the Senate on May 2 and was concurred by the House on May 3. The bill is now awaiting enrollment and transmission to Democratic Gov. Jared Polis. As passed the legislature, this bill would increase affordable housing funding in the state through the creation of a sales tax vendor fee.

Maine [LD 970](#) passed the House on May 2 and then passed the Senate on May 7. 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.

Several **Massachusetts** bills with provisions relating to growth management are scheduled for a May 14 hearing in the Joint Housing Committee. These bills include:

- [HB 1251](#), which would require designated cities to provide at least one district in which multi-family housing is a permitted use.
- [HB 1280](#), which would allow a smart growth zoning district or started home zoning district to be adopted, amended or repealed by a simple majority vote of a town or city council.
- [HB 1281](#), which would require local zoning ordinances to permit multifamily development in one or more zoning districts.
- [HB 1282](#), which would prohibit zoning ordinances from unreasonably regulating the location, dimensions or design of an accessory dwelling unit.
- [HB 1288](#), which would make changes to state law relating to zoning for multifamily residences.

- [HB 1290](#), which would establish a community housing development demonstration program in the state.
- [HB 3507](#), which would allow municipalities to make numerous types of changes to local zoning laws by a simple majority vote; currently a two-thirds supermajority is required to make such changes.
- [HB 775](#), which would allow specified changes to municipal zoning ordinances to be adopted by a simple majority vote.
- [SB 779](#), which would create a multifamily housing incentive pilot program.
- [SB 780](#), which would allow specified changes to municipal zoning ordinances to be adopted by a simple majority vote.
- [SB 799](#), which would aim to increase production of affordable housing units in the state through a program of loans and grants.
- [SB 818](#), which would streamline housing permitting statewide.

North Carolina [SB 355](#) passed the Senate on May 6 and was transmitted to the Senate, where it is awaiting introduction. This bill would make numerous changes to state zoning law. It would grant more authority to the state over zoning regulations, at the expense of municipalities and counties. It would also prohibit counties and municipalities from regulating the design elements of buildings.

Home Buying Programs

First-Time Home Buyer Savings Account

Ohio [SB 139](#) was introduced on April 30 by Sen. Theresa Gavarone, R-Bowling Green. This bill would authorize income tax deductions for contributions to and earnings on savings accounts designated for the purchase of a first-time home.

NAR Miscellaneous

Connecticut [SB 320](#) was reported favorably out of the Joint Judiciary Committee on May 3 and was tabled for consideration in the Senate. This bill would specify that real estate closing parties must be represented by a Connecticut-based attorney.

Oklahoma [HB 1032](#) passed a conference committee on May 8 and is now awaiting consideration before both chambers. As passed the committee, this bill would prohibit counties and municipalities from regulating the design elements of single-family residential buildings.

Emotional Support Animals

Illinois [HB 3671](#) is scheduled for a May 9 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.

Iowa [SF 341](#) was signed by Republican Gov. Kim Reynolds on May 2 and took effect immediately. This act requires landlords to waive lease restrictions on the keeping of animals as service or assistance animals. Renters remain liable for any damage caused by a service or assistance animal.

New York [SB 5530](#) was introduced on May 6 by Sen. Monica Martinez, D-Brentwood, and referred to the Senate Consumer Protection Committee. This bill would prohibit the sale of improper verification documents for emotional support animals and increase penalties for falsely presenting an animal as an emotional support animal.

North Carolina [HB 796](#) passed the House on May 7 and was sent to the Senate, where it was referred to the Rules and Operations Committee. This bill would prohibit a landlord from terminating a tenancy, refusing to enter into a rental agreement or otherwise retaliate in the rental of a dwelling based on an applicant's disability or use of an emotional support animal. The bill also authorizes landlords to request verification for such animals.

Oklahoma [HB 1309](#) was presented to Republican Gov. Kevin Stitt on May 8. Governor Stitt has a deadline of May 15 to take action on this bill or it will become law without his signature. This bill would prohibit individuals from misrepresenting an animal as a service animal and create penalties for the violations of these provisions.

South Carolina [SB 281](#) passed the House on May 8 and is awaiting return to the Senate. This bill would specify that intentional misrepresentation of a service animal is a misdemeanor and would outline penalties for violations.

Real Estate License Law

Hawaii [SB 770](#) was presented to Democratic Gov. David Ige on May 6. Governor Ige has a deadline of July 6 to take action on this bill or it will become law without his signature. This bill would require a high school education or equivalent as a prerequisite for obtaining a license as a real estate broker or salesperson. If enacted, the bill would take effect July 1, 2020.

Louisiana [HB 299](#) passed the House on May 8 and was ordered to the Senate. 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.

Missouri [SB 36](#) passed the House on May 8 and was returned to the Senate. As passed the Senate, this bill would specify that a real estate licensee would not be the subject of any administrative action relating to the misrepresentation of the size of a property or of improvements to the property unless the licensee knew the information was false at the time of transmission or publication of the information. An identical companion bill, [HB 106](#), passed the Senate Professional Registration Committee on May 1.

Seller Disclosures

Oregon [HB 2312](#) is scheduled for a May 9 hearing in the Senate Business and General Government Committee. 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.



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Rent Control

California [AB 1482](#) passed the Assembly Appropriations Committee on May 8. 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.

New York [SB 5482](#) was introduced on May 2 by Sen. Julia Salazar, D-Brooklyn, and referred to the Senate Housing, Construction and Community Development Committee. This bill would place limits on rent increases following the vacancy of a rent regulated unit. An identical companion bill, [AB 4229](#), is pending in the Assembly Housing Committee.

Local Short-Term Rental

Arizona [HB 2672](#) passed the Senate on May 7 and was returned to the House for concurrence. As passed the Senate, this bill would authorize municipalities to limit the maximum number of occupants of short-term rentals, set curfews for guests at short-term rentals, and require the installation of security monitors at short-term rentals. The bill would also prohibit the nonresidential use of short-term rentals. Finally, the bill would require online lodging operators to obtain a transaction privilege tax license.

Louisiana [HB 43](#) passed the House on May 8 and was ordered to the Senate. This bill would authorize the city of New Orleans to levy a local tax on short-term rentals.

A group of **Michigan** bills relating to the regulation of short-term rentals have been introduced and referred to the House Tourism Committee. These bills are all tie-barred with [HB 4554](#), meaning in order for any of these bills to take effect, HB 4554 must also be enacted. These bills include: [HB 4555](#), [HB 4556](#), [HB 4557](#), [HB 4558](#), [HB 4559](#), [HB 4560](#), [HB 4561](#), [HB 4562](#) and [HB 4563](#).

New Jersey [SB 3158](#), is scheduled for a May 13 hearing in the Senate Community and Urban Affairs 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 listed and provides a means for arranging the rental of an accommodation. An identical companion bill, [AB 4814](#), is pending in the Assembly Tourism, Gaming and the Arts Committee.

Electronic and Remote Notarization

Florida [HB 409](#) passed the Senate on May 2, it was then returned to the House and ordered enrolled. The bill is now awaiting transmission to Republican Gov. Ron DeSantis. This bill would authorize online notarizations in the state and establish requirements relating to the performance of such notarizations. A full summary of all the bill's provisions can be found [here](#).

Missouri [SB 140](#) passed the Senate General Laws Committee on April 30 and is awaiting a second reading in the Senate. This bill would outline rules and requirements for notaries public, including establishing new requirements for electronic notarial acts.

Missouri [SB 409](#) is scheduled for a second reading in the Senate on May 9. This bill would authorize the use of electronic and remote notarizations in the state. A companion bill, [HB 495](#), passed the House Rules – Administrative Oversight Committee on April 11 and is awaiting a second reading in that chamber.

New Jersey [AB 4860](#) is scheduled for a May 13 hearing in the Assembly Regulated Professions 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 presented to Republican Gov. Kevin Stitt on May 6. Governor Stitt has a deadline of May 11 to take action on this bill or it will become law without his signature. As passed the legislature, this bill would authorize notaries public to certify electronic documents remotely. The bill would also create registration and recordkeeping requirements for such notarizations.

Session Overview

Alabama, Alaska, 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, South Carolina, 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.

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: **Tennessee** (May 2); **Colorado** and **Hawaii** (May 3); **Florida** (May 4) and **Kansas** (May 5).

The following states are scheduled to adjourn on the dates provided: **South Carolina** (May 9); **Arizona** (May 13); **Alaska** (May 15) and **Vermont** (May 17).

Georgia Republican Gov. Brian Kemp has until May 12 to act on legislation or it becomes law without signature. **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. **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. **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.

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, prefiles 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).