

REALTOR® Party State Legislative Monitor Weekly Report April 25, 2019

Affordable Housing

California [AB 723](#) passed the Assembly Housing and Community Development Committee on April 24 and was referred to the Assembly Appropriations 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](#) is scheduled for an April 29 hearing in the Assembly Revenue and Taxation Committee. This bill would authorize low-income housing projects located in qualified opportunity zones to receive a low-income housing tax credit.

California [AB 957](#) passed the Assembly Housing and Community Development Committee on April 24 and was referred to the Assembly Appropriations Committee. 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 1020](#) passed the Assembly Accountability and Administrative Review Committee on April 24 and was referred to the Assembly Appropriations Committee. This bill 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.

Florida [HB 7103](#) passed a second reading in the House on April 24 and is now awaiting a third reading in that chamber. As passed second reading, this bill would make numerous changes to property development regulations, including restricting counties and municipalities from adopting or imposing mandatory affordable housing ordinances.

Florida [SB 1730](#) passed the Senate Infrastructure and Security Committee on April 23. This bill would specify that counties may not adopt or impose requirements mandating maximum sale or rental prices, require the allocation of rental units to a particular class or group of purchasers or tenants, or require a percentage of units to be designated as affordable housing units. The bill also contains numerous other provisions relating to affordable housing.

Hawaii HB 820 is scheduled for a conference committee hearing on April 25. [As passed the Senate](#), 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. [As passed the House](#), the bill appropriates money to certain state agencies.

Iowa [HF 772](#) passed the Senate on April 24 and was returned to the House. As passed the Senate, 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](#) advanced to enrollment and review on April 24. 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."

Nevada [SB 103](#) is scheduled for an April 30 hearing in the House Government Affairs Committee. 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 an April 30 hearing in the House Government Affairs Committee. This bill would direct boards of county commissioners to use money collected for the development or redevelopment of affordable housing only for that purpose.

Oregon [HB 2997](#) is scheduled for an April 29 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](#) was concurred in the House on April 18 and is awaiting enrollment and transmission to Democratic Gov. Jay Inslee. As passed the legislature, this bill would 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

California [AB 587](#) passed a second reading on April 23 and was ordered to a third reading on April 25. This bill would require local accessory dwelling unit ordinances to allow such units to be sold or conveyed separately from the primary residence under certain circumstances.

California [AB 670](#) passed the Assembly Housing and Community Development Committee on April 24 and was referred to the Assembly Judiciary Committee. 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 [AB 881](#) passed the Assembly Appropriations Committee on April 24. 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 1568](#) passed the Assembly Housing and Community Development Committee on April 24 and was referred to the Assembly Appropriations Committee. This bill 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.

Colorado [HB 1245](#) passed the House on April 22 and was sent to the Senate, where it was referred to the Finance Committee and is scheduled for an April 26 hearing. As passed the House, this bill would increase affordable housing funding in the state through the creation of a sales tax vendor fee.

Washington [HB 1923](#) was concurred in the House on April 24 and is awaiting enrollment and transmission to Democratic Gov. Jay Inslee. This bill would 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.

Home Buying Programs

First-Time Home Buyer Savings Account

Oklahoma [SB 961](#) was presented to Republican Gov. Kevin Stitt on April 22. Governor Stitt has a deadline of April 29 to take action on this bill or it will become law without his signature. This bill, known as the “Oklahoma Home Buyers Savings Account Act” would authorize the creation of such tax-deductible savings accounts to be used to cover eligible costs for the purchase of a single-family residence in the state.

Washington [SB 5334](#) was concurred in the Senate on April 19 and is awaiting enrollment and transmission to Democratic Gov. Jay Inslee. As passed the legislature, this bill would modify requirements for the construction of a condominium under state law, by removing requirements that condominiums be built in accordance with all state laws and instead require the building be constructed only in accordance with applicable building codes. The bill also contains provisions granting certain immunities to officers and board members of condominiums.

NAR Miscellaneous

Connecticut [SB 347](#) was referred out of the Legislative Commissioners’ Office on April 24 and is now awaiting consideration in the Senate. This bill would prohibit real estate contracts that require a purchaser of real property to use a specific provider for closing services and title insurance.

Emotional Support Animals

Alabama [SB 10](#) was transmitted to the House on April 18 and referred to the House Judiciary Committee. 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.

Florida [HB 721](#) passed the House Rules Committee on April 18 and is awaiting a second reading in the chamber. This bill would specify that individuals with disabilities who have emotional support animals are entitled to access to housing accommodations and would prohibit charging an individual extra for such accommodations. The bill would also prohibit the misrepresentation of an animal as an emotional support animal.

Florida [SB 1128](#) passed a second reading in the Senate on April 24. This bill would specify that an individual who has an emotional support animal is entitled to full and equal access to all housing accommodations and would prohibit such accommodations from charging a fee for emotional support animals. Under the bill, individuals would be liable for damage caused by their emotional support animal.

North Carolina [HB 796](#) was introduced on April 18 by Rep. Holly Grange, R-New Hanover, and referred to the House Health 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.

North Dakota [HB 1259](#) was signed by Republican Gov. Doug Burgum on April 17 and will take effect on August 1. This act will create penalties for knowingly making a false claim that a pet is a service animal in order to obtain a reasonable housing accommodation or gain admission to a public place.

Oklahoma [HB 1309](#) was engrossed on April 17 and is awaiting consideration in the House. 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](#) is scheduled for an April 25 hearing in the House Criminal Laws Subcommittee. This bill would specify that intentional misrepresentation of a service animal is a misdemeanor and would outline penalties for violations.

Tennessee [HB 1190](#) was sent to Republican Gov. Bill Lee on April 23. Upon receipt, Governor Lee has a deadline of May 4 to take action on this bill or it will become law without his signature. This bill would authorize landlords to request documentation from tenants relating to service or support animals.

Seller Disclosures

Maine [LD 229/Chapter 37](#) was signed by Democratic Gov. Janet Mills on April 19 and will take effect 90 days following adjournment of the legislature, currently projected for June 19. This act will require sellers of residential real property to disclose to the buyer whether the chimneys and vents of the property have been inspected.

North Dakota [HB 1251](#) was signed by Republican Gov. Doug Burgum on April 17 and will take effect August 1. This act will require, prior to an agreement for the sale, exchange or purchase of real estate, the seller to make a written disclosure to the buyer including all material facts of which the seller is aware could adversely and significantly affect an ordinary buyer's use and enjoyment of the property.

Oregon [HB 2312](#) was heard in the Senate Business and General Government Committee on April 18, however the committee took no action on the bill and it remains pending. As passed the House, the bill requires sellers of real property to disclose, at the time of offer, whether they have ever purchased flood insurance for the property.

Texas [HB 1658](#) passed the House Business and Industry Committee on April 16. This bill would require sellers to disclose information relating to flooding and drainage when selling certain residential real estate. Similar bills [HB 283](#), [HB 993](#), [HB 3556](#), [HB 3815](#) and [SB 442](#) remain pending.

Rent Control

California [AB 36](#) is scheduled for an April 25 hearing in the Assembly Housing and Community Development Committee. This bill would limit the ability of local jurisdictions to apply rent control to units built after 1995 or when local rent ordinances were put into place, whichever is earlier. It would also prohibit local governments from applying rent control to single-family homes.

California [AB 1482](#) is scheduled for an April 25 hearing in the Assembly Housing and Community Development Committee. 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.

Local Short-Term Rental

Indiana [HB 1001](#), the state budget bill, passed a conference committee on April 24 and subsequently passed both chambers that day. As passed the legislature, this bill contains provisions relating to the collection of taxes on short-term rentals by individuals who do not use a marketplace facilitator.

Louisiana [HB 602](#) was introduced on April 17 by Rep. Neil Abramson, D-New Orleans, and referred to the House Ways and Means Committee. This bill would impose a 0.25 percent tax on the occupancy of short-term rentals in the state.

New York [AB 2928](#) was amended in the Assembly Housing Committee on April 24 and retained by the committee for further consideration. As amended, this bill would provide for the regulation, registration and taxation of short-term rentals in the state. It would also authorize counties, cities, towns and villages to enact a local law prohibiting or limiting the listing or use of short-term rentals.

New York [AB 6392](#) was amended in the Assembly Housing Committee on April 24 and retained by the committee for further consideration. As amended, this bill would authorize the use of short-term rentals in New York City, require hosts to register each unit with the state, and authorize New York City to impose and collect taxes on such rentals. A companion bill, [SB 4899](#), is pending in the Senate Housing, Construction and Community Development Committee.

Washington [HB 1798](#) was concurred in the House on April 18 and is awaiting enrollment and transmission to Democratic Gov. Jay Inslee. As passed the legislature, this bill would require short-term rental owners and online hosting platforms to register with the state, collect and remit taxes, and comply with consumer safety requirements.

Electronic and Remote Notarization

Colorado [HB 1167](#) is scheduled for an April 25 hearing in the Senate Finance Committee, it previously passed the Senate Finance Committee on April 17. This bill would authorize notaries public to perform a notarial act on behalf of an individual who is not in the notary's physical presence, but only with respect to an electronic document. The bill would also establish requirements for such remote notarizations. A similar bill, [SB 84](#), is pending in the Senate State, Veterans and Military Affairs Committee.

Florida [HB 409](#) passed the House on April 24 and was sent to the Senate, where it was referred to the Judiciary, Government Oversight and Accountability and Rules committees. This bill would authorize online notarizations in the state and establish requirements relating to the performance of such notarizations. A companion bill, [SB 548](#), is awaiting a second reading in the Senate.

Missouri [SB 409](#) is scheduled for a second reading in the Senate on April 25. 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.

Nevada [AB 65/Chapter 5](#) was signed by Democratic Gov. Steve Sisolak on April 22. It will take effect on the earlier of July 1, 2019 or when the secretary of state has established a process for the registration of electronic notaries. This act will eliminate a requirement that a notary public have practiced for four years before becoming eligible for licensure as an electronic notary public.

Oklahoma [SB 915](#) was engrossed on April 18 and is awaiting consideration in the Senate. As passed the House, this bill would authorize notaries public to certify electronic documents remotely. The bill would also create registration and recordkeeping requirements for such notarizations.

Washington [SB 5641](#) was presented to Democratic Gov. Jay Inslee on April 22. Governor Inslee has a deadline of April 27 to take action on this bill or it will become law without his signature. This bill would authorize a notary public to perform an electronic notarization and would outline standards for such notarizations. If signed, the bill would take effect October 1, 2020.

Session Overview

Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Washington and Wisconsin are in regular session. The **District of Columbia** and **Puerto Rico** are also in regular session.

The following are in recess until the dates provided: **United States** Congress (April 29) and **Kansas** (May 1).

Maryland Republican Gov. Larry Hogan signed an [executive order](#) on April 18 to convene a special session on May 1, which will allow the House of Delegates to elect a new House speaker after the unexpected passing of former speaker Michael Busch on April 7.

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 state adjourned its 2019 legislative session on the date provided: **Arkansas** (April 24).

The following states are scheduled to adjourn on the dates provided: **Washington** (April 28) and **Arizona** and **Indiana** (April 29).

Georgia Republican Gov. Brian Kemp has until May 12 to sign or veto legislation or it becomes law without signature. **Maryland** Republican Gov. Larry Hogan has until May 28 to act on legislation or it becomes law without signature. **Arkansas** Republican Gov. Asa Hutchinson has 20 days from presentment to sign or veto legislation presented on or after April 18 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.

Idaho Republican Gov. Brad Little had a signing deadline on April 23.

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

Special Elections

South Carolina held a special election on April 23 for House District 14. The seat became vacant after Rep. Michael Pitts, R-Greenwood, resigned for health reasons. Stewart Jones, R-Greenwood, was able to defeat Garrett McDaniel, D-Greenwood, by receiving 56 percent of the vote. Unofficial election results can be found [here](#).

Tennessee held a special election on April 23 for Senate District 22. The seat became vacant after Sen. Mark Green, R-Clarksville, won the election for Tennessee's 7th Congressional District. Bill Powers, R-Clarksville, was able to defeat Juanita Charles, D-Clarksville, by receiving 54 percent of the vote. Unofficial election results can be found [here](#).

The following seats will be filled by special elections on the dates provided: **Wisconsin** Assembly District 64 (April 30); **Pennsylvania** Senate District 41 (May 21); **California** Senate districts 1 and 33 (June 4); **Florida** House districts 7, 38 and 97 (June 18); and **New Jersey** Senate District 1 (November 5).