

REALTOR® Party State Legislative Monitor Weekly Report February 7, 2019

Affordable Housing

New York [SB 3226](#) was introduced on February 4 by Sen. James Sanders, D-Queens, and referred to the Senate Housing, Construction and Community Development Committee. This bill would make changes to existing tax exemption programs in order to fund the development of new, affordable housing units in the state.

Oregon [HB 2002](#) was introduced by House Speaker Tina Kotek, D-Portland, on February 4 and is awaiting committee referral. This bill would require property owners subject to affordability restrictions to provide notice to qualified purchases before such restrictions expire. Property owners would also be required to extend a right of first refusal to qualified purchasers for up to 60 months following the expiration of affordability restrictions.

Oregon [HB 2894](#) was introduced on February 6 by Rep. Pam Marsh, D-Jackson, and is awaiting committee referral. This bill would establish a program to provide supplementary loans to individuals to purchase energy efficient manufactured residences.

Tennessee [HB 201](#) was introduced on January 29 by Rep. Darren Jernigan, D-Old Hickory, and referred to the House Government Operations Committee's Property and Planning Subcommittee. This bill would establish the "Affordable Rental Property Act" and would reduce property tax rates in areas identified to have a lack of affordable housing stock in exchange for the development of affordable housing by property owners. It would also authorize municipalities to enact inclusionary zoning ordinances, which are currently blocked by state law. Finally, the bill would grant property tax breaks for seniors in areas with appreciating home values. A companion bill, [SB 176](#), is pending in the Senate State and Local Government Committee.

Washington [HB 1834](#) is scheduled for a February 1 hearing in the House Housing, Community Development and Veterans Committee. This bill would require at least 15 percent of Housing Trust Fund grants and loans be used for the benefit of homeownership projects for households at or below 80 percent of the area's median income. It would also provide down payment and closing cost assistance to first-time home buyers. A companion bill, [SB 5746](#), is pending in the Senate Housing Stability and Affordability Committee.

Inclusionary Zoning

South Carolina [SB 488](#) was introduced on February 6 by Sen. Marlon Kimpson, D-Charleston, and referred to the Senate Judiciary Committee. This bill would authorize municipalities to adopt inclusionary zoning strategies for the purpose of increasing the availability of affordable housing. A companion bill, [HB 3091](#), was also introduced and is pending in the House Labor, Commerce and Industry Committee.

Washington [HB 1746](#) is scheduled for a February 12 hearing in the House Local Government Committee. This bill would incentivize the development of commercial office space in cities in a county with a population of less than 1.5 million.

Home Buying Programs

New Jersey [SB 915](#) passed the Senate unanimously on January 31 and is now awaiting transmission to the Assembly. As passed the Senate, this bill would authorize up to 30 percent of municipal development fees collected to be spent on affordability assistance programs for first-time homebuying veterans.

First-Time Home Buyer Savings Account

Illinois [HB 1655](#) was introduced on February 4 by Rep. Tony McCombie, R-Savanna, and referred to the House Rules Committee. This bill would create the “Illinois First-Time Homebuyer Savings Account Act.” It would allow first-time homebuyers to open a savings account to pay or reimburse costs in connection with a qualified first-time home purchase.

North Dakota [HB 1241](#) failed a vote in the House Finance and Taxation Committee on February 4, but was subsequently retained by the committee for further consideration. This bill would create an income tax deduction for contributions made to a first-time home buyer savings account, in the amount of \$2,000 annually for individuals and \$4,000 for married couples filing jointly. If enacted, the bill would take effect for taxable years beginning after December 31, 2018.

Pennsylvania [HB 128](#) is scheduled for a February 19 hearing in the House Urban Affairs Committee. This bill would authorize the creation of first-time homebuyers savings accounts in the state. Money deposited into this account would be able to be deducted from state income tax.

Emotional Support Animals

Illinois [HB 1645](#) was introduced on February 1 by Rep. Jonathan Carroll, D-Northbrook, and referred to the House Rules Committee. This bill would make it a crime to knowingly misrepresent that an animal is a service animal.

Iowa [SF 63](#) passed a subcommittee of the House Veterans Affairs Committee on January 31 and is now awaiting consideration before the full committee. This bill would establish penalties for the misrepresentation of an animal as a service animal.

NAR Miscellaneous

Arkansas [SB 170](#) passed the Senate on February 6 and was transmitted to the House, where it was referred to the House City, County and Local Affairs Committee. As passed the Senate, this bill would prohibit counties and municipalities from regulating residential building design elements, except in certain authorized situations.

Real Estate License Law

Kansas [SB 60](#) is scheduled for a February 14 hearing in the Senate Commerce Committee. This bill would make numerous changes to real estate licensure, including changes to application fee payments, eliminating temporary licenses, altering continuing education requirements, deactivation and reinstatement of licenses, and suspension and revocation of licenses.

Nebraska [LB 12](#) was placed on the final reading file on February 1 and is now awaiting consideration. This bill would provide an exemption to the real estate license fee for active duty military members and their spouses, provided they have a valid realtor's license in another state. The exemption would also apply to those previously licensed in the state within three years prior to becoming a resident of Nebraska after a duty assignment.

Nebraska [LB 384](#) is scheduled for a February 11 hearing in the Banking, Commerce and Insurance Committee. This bill would increase the period of time served as a salesperson in order to qualify for a broker's license, and would impose new continuing education requirements on all licensed brokers in the state.

Nebraska [LB 454](#) is scheduled for a February 11 hearing in the Banking, Commerce and Insurance Committee. 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.

Washington [HB 1316](#) was heard in the House Consumer Protection and Business Committee on January 30, however the committee deferred taking action on the bill. This bill would prohibit a real estate broker from acting in a dual agent capacity in certain commercial real estate transactions, and would require both parties and legal counsel to sign a conflict-of-interest waiver in dual agent transactions. A companion bill, [SB 5189](#), is pending in the Senate Financial Institutions, Economic Development and Trade Committee.

Seller Disclosures

Hawaii [SB 1340](#) is scheduled for a February 8 hearing in the Senate Water and Land Committee. This bill would require mandatory seller disclosures in real estate transactions to include identification of residential real properties lying within a sea level rise exposure area. A companion bill, [HB 1578](#) was introduced on January 28 by Rep. Tina Wildberger, D-Kihei, and referred to the House Energy and Environmental Protection, Consumer Protection and Commerce and Finance committees.

Iowa [HF 270](#) was introduced by Rep. Bruce Bearinger, D-Fayette, and referred to the House Commerce Committee. This bill would require the testing of well water for dwelling units and mobile home spaces prior to the entering into of rental agreements for such properties.

Maine [LD 89](#) is scheduled for a February 19 work session in the Joint Judiciary Committee. 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.

Maine [LD 229](#) is scheduled for a February 19 work session in the Joint Judiciary Committee. This bill would require sellers of residential real property to disclose to the buyer whether the chimneys and vents of the property have been inspected.

New Jersey [AB 4530](#) passed the Assembly unanimously on January 31 and is now awaiting transmission to the Senate. As passed the Assembly, this bill would require that if a property condition disclosure statement contains information indicating the seller's awareness of water leakage, accumulation or dampness, the presence of mold or other similar natural substance, or repairs or other attempts to control any water or dampness problem on the real property, the real estate broker, broker-salesperson or salesperson would be required to offer the buyer of the property a physical copy of the "Mold Guidelines for New Jersey Residents" pamphlet on the Department of Health website, or other pamphlet or guidelines deemed appropriate by the director.

Oregon [HB 2312](#) is scheduled for a February 11 hearing in the House Business and Labor Committee. This bill would require a seller of real property to disclose to potential buyers whether the property has been identified by FEMA as being in a special flood hazard area, or whether flood insurance is required by local ordinance in order to obtain a federally regulated loan.

South Dakota [HB 1272](#) was introduced on January 31 by Rep. Timothy Johns, R-Lead, and referred to the House Judiciary Committee. This bill would authorize the use of electronic and remote notarization in the state.

Rental Restrictions

Local Short-Term Rental

Arizona [HB 2087](#) is scheduled for a February 11 hearing in the House Regulatory Affairs Committee. This bill would authorize municipalities to regulate short-term rentals for the purpose of ensuring that investor-owned rentals comply with residential use and zoning ordinances.

Connecticut [HB 6937](#) was introduced on January 30 by Rep. John Hampton, D-Simsbury, and referred to the Joint Planning and Development Committee. This bill would establish statewide regulations on short-term rentals, including minimum insurance requirements, the establishment of a statewide registry, authorizing municipalities to establish local regulations, permit requirements and rental frequency requirements.

Maine [LD 209](#) is scheduled for a February 20 hearing in the Joint State and Local Government Committee. This bill would prohibit municipalities from prohibiting or restricting the use of short-term rentals except for regulations intended to protect the public health and safety.

Nebraska [LB 57](#) was placed on the select file on February 5, and is now awaiting consideration. This bill would prohibit the municipalities from adopting regulations that expressly or effectively prohibit the use of a property as a short-term rental. Municipalities would, however, be authorized to adopt or enforce an ordinance or regulation that regulates short-term rentals on the bases of public health or safety, or imposes a sale or occupancy tax on such rentals.

New York [AB 2928](#) was introduced on January 28 by Asm. Patricia Fahy, D-Albany, and referred to the Assembly Housing Committee. 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.

Rent Control

Maine [LD 522](#) was introduced on January 31 by Rep. Scott Strom, R-Pittsfield, and referred to the Joint Labor and Housing Committee. This bill would prohibit municipalities from adopting an ordinance regulating the rent that may be charged for a rental property, imposing fees specific to rental properties, or requiring the registration of rental properties.

Electronic and Remote Notarization

Arizona [SB 1030](#) passed the Senate Government Committee unanimously [with amendments](#) on February 4. As passed the committee, this bill would allow a notary public to perform a notarial act by means of an electronic device or process for a remotely located individual, known as a remote online notarization. The bill would also establish registration and recordkeeping requirements for such notarizations.

California [AB 199](#) was referred to the Assembly Business and Professions Committee on February 4. This bill would create the “California Online Notary Act of 2019.” It would allow notaries public to register as online notaries public, and to perform notarial acts and online notarizations by means of audio-video communication. It would also create recordkeeping provisions relating to online notarizations.

Colorado [HB 1167](#) is scheduled for a February 14 hearing in the House State, Veterans and Military Affairs Committee. 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](#) was referred to the Civil Justice Subcommittee of the House Judiciary Committee on January 30. This bill would authorize online notarizations in the state and establish requirements relating to the performance of such notarizations. A similar bill, [SB 548](#), was introduced on January 28 by Sen. Jeff Brandes, R-St. Petersburg, and is awaiting committee referral.

Iowa [SSB 1116](#) was introduced on February 5 by the Senate State Government Committee, where it is scheduled for a February 11 hearing. This bill would provide for and authorize the use of electronic notarizations throughout the state. Notaries seeking to provide such electronic service would be subject to rules promulgated by the secretary of state.

Kentucky [SB 114](#) was introduced on February 5 by Sen. Morgan McGarvey, D-Louisville, and is awaiting committee referral. This bill would authorize notaries public to perform online notarial acts in the state, and would set forth requirements for such acts and for notaries public to become licensed to perform online notarial acts.

Mississippi [HB 777](#) passed the House Judiciary A Committee. This bill would authorize notaries public to perform notarial acts with respect to electronic records. It would also make numerous changes regarding rules and regulations surrounding notaries public.

Montana [HB 370](#) is scheduled for a February 14 hearing in the House Business and Labor Committee. This bill would authorize the use of remote and electronic notarization in the state, and establish standards relating to the licensing and recordkeeping of notaries public authorized to perform such notarizations.

Nebraska [LB 186](#) was placed on the general file on February 5 and is now awaiting consideration before the full Senate. This bill would authorize online notarizations in the state and set forth standards for such notarizations.

New Mexico [HB 470](#) was introduced on February 4 by Rep. Linda Trujillo, D-Santa Fe, and referred to the House State Government, Elections and Indian Affairs Committee. This bill would require personal appearances for notarial acts performed electronically upon recordable instruments of writing, and remove in-person requirements for certain notarial acts performed electronically. This bill would also establish security standards for electronic notarizations.

New York [AB 4076](#) was introduced on February 1 by Asm. Nily Rozic, D-Queens, and referred to the Assembly Governmental Operations Committee. This bill would provide for electronic notarization in the state, and would require the registration of notaries seeking to offer such electronic services in the state.

Utah [HB 2](#) passed the Senate Government Operations and Political Subdivisions Committee on February 6 and is now awaiting a second reading in the Senate. This bill would authorize the use of remote notarizations in the state and establish standards relating to such notarizations, including fees, recordkeeping and software requirements.

Session Overview

Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming are in regular session. The **District of Columbia, Puerto Rico** and the **United States** Congress are also in regular session.

The following states are scheduled to convene their 2019 legislative sessions on the dates provided: **Alabama** and **Florida** (March 5) and **Louisiana** (April 8).

District of Columbia Democratic Mayor Muriel Bowser has 10 days from presentment, not including weekends or holidays, to sign or veto a bill or it becomes law without signature. **Illinois** Democratic Gov. Jay Robert Pritzker has 60 calendar days while the legislature is in session to act on legislation or it becomes law without signature. **Massachusetts** Republican Gov. Charlie Baker has 10 days after a bill

has been presented to either sign or veto the measure or it becomes pocket vetoed. **New York** Democratic Gov. Andrew Cuomo has 10 days from presentment, Sundays excepted, to sign or veto legislation or it becomes law without signature. **U.S.** Republican President Donald Trump has 10 days from presentment to act on legislation, Sundays excepted, or the bill is pocket vetoed.

The following states are currently holding 2019 interim committee hearings: [Alabama](#) and **Florida** [House](#) and [Senate](#).

The following state is currently posting 2019 bill drafts, prefiles and interim studies: **Florida** [House](#) and [Senate](#).

Special Elections

Georgia held a special election for House District 5 on February 5. The seat became vacant after the passing of Rep. John Meadows III, R-Calhoun. Matt Barton, R-Calhoun, was able to defeat Jesse Vaughn, R-Calhoun, by receiving 55 percent of the vote.

The following seats will be filled by special elections on the dates provided: **Minnesota** Senate District 11 (February 11); **Louisiana** House districts 12, 17, 18, 26, 27, 47 and 62 (February 23); **Connecticut** House districts 39 and 99 and Senate districts 3, 5, 6 and 39 (February 26); **Rhode Island** House District 68 (March 5); **Pennsylvania** House districts 114 and 190 and **Tennessee** Senate District 32 (March 12); **South Carolina** Senate District 6 (March 26) and **Pennsylvania** Senate District 37 (April 2).