

REALTOR® Party State Legislative Monitor Weekly Report February 14, 2019

Affordable Housing

Florida [SB 842](#) was prefiled on February 7 by Sen. Perry Thurston, D-Fort Lauderdale, and will be introduced once the legislature convenes on March 5. This bill would allow counties in the state to authorize a surtax on documents, at a rate of no more than 45 cents per \$100, for the purpose of establishing and financing an Affordable Housing Trust Fund. These funds would be used to assist in the financing of construction, rehabilitation or purchase of housing for low and moderate income families.

Oklahoma [SB 961](#) was referred to the Senate Finance and Appropriations committees on February 12. 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 [HB 1834](#) was substituted by and passed the House Housing, Community Development and Veterans Committee on February 12. As substituted, this bill would require at least 13 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

Washington [HB 1746](#) is scheduled for a February 20 executive session 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](#) was referred to the Assembly Military and Veterans’ Affairs Committee on February 7. The bill previously passed the Senate unanimously on January 31. 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

North Dakota [HB 1241](#) passed the House Finance and Taxation Committee on February 8. 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.

NAR Miscellaneous

Arizona [HB 2108](#) was withdrawn from the House Regulatory Affairs and Government committees and referred to the House Public Safety and Rules committees on February 11. This bill would prohibit cities and towns from prohibiting an owner of real property or owners agent from displaying a sign advertising a property for sale, an open house, directions to a property, the owner or agent's name, the legal name of the agent's broker or business, or the address and telephone number of the owner or agent.

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.

Oklahoma [SB 862](#) is scheduled for a February 14 hearing in the Senate Business, Commerce and Tourism Committee. This bill would prohibit municipalities from regulating building design elements unless the structure is located in a historic district or registered as historic.

South Dakota [HB 1076](#) passed the House on February 5 and was transmitted to the Senate and referred to the Taxation Committee, where it is scheduled for a February 20 hearing. This bill would require each advertisement of a real estate team to clearly state the name of the brokerage company the team is affiliated with, clearly identify any non-licensed individuals included in the advertisement, and could not contain any language that would lead the public to believe that the team is offering real estate brokerage services independent of the affiliated broker.

Emotional Support Animals

Three **Connecticut** bills relating to emotional support animals saw movement this week:

- [HB 6289](#) is scheduled for a February 14 hearing in the Joint Housing Committee. This bill would require housing providers to provide reasonable accommodations for a person with mental and emotional disabilities who lives with an emotional support animal. This bill would also create penalties for the misrepresentation of an animal as an emotional support animal.
- [HB 7091](#) was introduced on February 7 by the Joint Human Services Committee and subsequently referred to that committee. This bill would prohibit the misrepresenting of an animal as a service animal.
- [HB 7106](#) is scheduled for a February 15 hearing in the Joint Judiciary Committee. This bill would create a violation for misrepresenting an animal as a service animal.

Florida [HB 721](#) was prefiled on February 8 by Rep. Sam Killebrew, R-Winter Haven, and will be introduced once the legislature convenes on March 5. 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.

Hawaii [HB 1074](#) is scheduled for a February 14 hearing in the House Health and Housing committees. This bill would define “assistance animal” as any animal that is needed to perform disability related work or to provide emotional support. It would also specify what type of documentation can verify an accommodation request for an assistance animal.

Illinois [HB 1645](#) is scheduled for a February 19 hearing in the House Judiciary – Criminal Committee. This bill would make it a crime to knowingly misrepresent that an animal is a service animal.

Montana [HB 446](#) is scheduled for a March 11 hearing in the House Judiciary Committee. This act would create a misdemeanor offence to intentionally misrepresent an animal as a service animal.

North Dakota [HB 1259](#) passed the House Judiciary Committee on February 12. This bill would 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.

Rhode Island [HB 5299](#) was introduced on February 6 by Rep. Bernard Hawkins, D-Smithfield, and referred to the House Health, Education and Welfare Committee. This bill would prohibit the misrepresentation of an animal as a service animal for the purpose of acquiring any right or privilege afforded to disabled persons.

South Carolina [SB 281](#) is scheduled for a February 14 hearing in the Senate Agriculture and Natural Resources Committee. 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 [HB 63](#) passed the House Intrastate Commerce Committee unanimously on February 12. This bill would require a high school education or equivalent as a prerequisite for obtaining a license as a real estate broker or salesperson. A companion bill, [SB 770](#), is pending in the Senate Commerce, Consumer Protection and Health Committee.

Three **Mississippi** bills relating to real estate licensure passed the House between February 11-13, including:

- [HB 1069](#), which would alter procedures relating to the revocation or refusal of real estate licensure by the real estate commission.
- [HB 1293](#), which revises provisions regarding real estate appraiser licensing requirements and fees.
- [SB 2697](#), which would provide for qualifications for a trainee real estate appraiser.

Missouri [SB 36](#) passed the Senate Professional Registration Committee on February 11. This bill would specify that a real estate licensee shall 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](#), is pending in the House Judiciary Committee.

Seller Disclosures

Hawaii [HB 565](#) passed a second reading in the House on February 8 and was subsequently referred to the House Consumer Protection and Commerce Committee. This bill would require that a vulnerable coastal property statement accompany the sale of a vulnerable coastal property. It would also require seller disclosures for real estate located within a sea level rise exposure area. A companion bill, [SB 1126](#), passed the Senate Water and Land Committee unanimously on February 13.

Hawaii [SB 1340](#) is scheduled for a February 8 hearing in the Senate Water and Land Committee on February 8. The bill then passed a second reading in the Senate and was subsequently referred to the Senate Judiciary and Commerce, Consumer Protection and Health committees. 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.

New Jersey [AB 4530](#) was referred to the Senate Commerce Committee on February 7, the bill previously passed the Assembly unanimously on January 31. 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.

Texas [HB 1549](#) was introduced on February 8 by Rep. Dwayne Bohac, R-Houston, and is awaiting committee referral. This bill would require sellers of real property to disclose the proximity of nearby landfills and related facilities.

Texas [HB 1658](#) was introduced on February 12 by Rep. Cecil Bell, R-Magnolia, and is awaiting committee referral. This bill would require seller disclosure of whether a property is located within a floodplain or flood pool or near a flood reservoir.

Rental Restrictions

Local Short-Term Rental

Two **Arizona** bills relating to short-term rentals have been introduced:

- [HB 2672](#) was filed by Rep. John Kavanagh, R-Fountain Hills, on February 13 and referred to the House Rules and Government committees. Representative Kavanagh is the chairman of the Government Committee. 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.

- [HB 2728](#) was filed on February 13 by Rep. Isela Blanc, D-Scottsdale, and referred to the House Government and Rules committees. This bill would specify that the activities of an online lodging marketplace are not subject to regulations accorded to transient lodgings.

Maryland [HB 884](#) was introduced on February 8 by Del. Nick Mosby, D-Baltimore, and referred to the House Ways and Means Committee, where it is scheduled for a February 26 hearing. This bill would require hosting platforms to collect and remit the sales and use tax on short-term rentals. It would also require hosting platforms to display any taxes and fees at the time of sale. A companion bill, [SB 533](#), is scheduled for a February 27 hearing in the Senate Budget and Taxation Committee.

Nebraska [LB 57](#) advanced to Enrollment and Review on February 11. Enrollment and Review is a process by which any amendments are incorporated into a bill, and it is checked for technical and grammatical accuracy. This bill would prohibit 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.

Virginia [SB 1701](#) passed the House Counties, Cities and Towns Subcommittee on February 13. This bill would require any ordinance passed by Fairfax County regulating short-term rentals to include limits on the number of nights permitted for short-term rent and the number of short-term rentals owned by any one person or entity.

Washington [HB 1798](#) is scheduled for a February 19 executive session in the House Consumer Protection and Business Committee. 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. An identical companion bill, [SB 5870](#), is scheduled for a February 14 hearing in the Senate Financial Institutions, Economic Development and Trade Committee.

Homeowners' Associations

Maryland [HB 709](#) was introduced on February 7 by Del. Bonnie Cullison, D-Silver Spring, and referred to the House Environment and Transportation Committee, where it is scheduled for a February 26 hearing. This bill would make numerous changes relating to the governance of homeowners' associations in the state, including increasing the inspection fee that a homeowners' association could charge from \$50 to \$100. A companion bill, [SB 612](#), is scheduled for a February 28 hearing in the Senate Judicial Proceedings Committee.

Rent Control

Illinois [HB 255](#) is scheduled for February 14 hearings in the House Judiciary – Civil Committee and the House Commercial Law Subcommittee. This bill would repeal the state's [Rent Control Preemption Act](#), which prohibits municipalities from enacting or enforcing rent control measures.

Illinois [HB 2192](#) was introduced on February 7 by Rep. Mary Flowers, D-Chicago, and referred to the House Rules Committee. This bill would create the Rent Control Act, which would establish regulations

concerning rent stabilization rates for certain lessors and properties, and would impose rent control registration fees to fund a small rental property owner repair and improvement fund.

New York [AB 5286](#) was introduced on February 8 by Asm. Brian Kolb, R-Geneva, and referred to the Assembly Housing Committee. This bill would eliminate rent control protections for individuals residing in rent-controlled apartments who have a total gross income in excess of \$125,000 per year. Currently, the limit on gross income is \$200,000.

Oregon [SB 608](#) passed the Senate on February 12 and was transmitted to the House, where it was referred to the Human Services and Housing Committee and is scheduled for a February 18 hearing. This bill would limit rent increases to no more than seven percent plus the average change in the consumer price index, no more than once in any 12-month period. It also contains provisions relating to the conversion of tenancies from fixed-term to month-to-month, and prohibits evictions without cause during the first year of occupancy.

Electronic and Remote Notarization

Arizona [SB 1030](#) passed a caucus of both Republicans and Democrats on February 13 and is now awaiting a third reading in that chamber, which it is likely to pass. 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.

Florida [SB 548](#) was prefiled on February 8 by Sen. Jeff Brandes, R-St. Petersburg, and provisionally referred to the Senate Judiciary, Governmental Oversight and Accountability and Rules committees. It will be formally introduced when the legislature convenes on March 5. This bill would authorize online notarizations in the state and establish requirements relating to the performance of such notarizations.

Hawaii [HB 77](#) passed the House Consumer Protection and Commerce Committee on February 1, and subsequently passed a second reading on February 13. The bill was then referred to the House Judiciary Committee. This bill would authorize notaries public to perform remote notarizations in the state.

Maryland [SB 678](#) is scheduled for a February 19 hearing in the Senate Judicial Proceedings Committee. This bill contains numerous provisions relating to the regulation of notaries public in the state, and would outline the manner in which remote notarial acts are to be performed.

Mississippi [HB 777](#) passed the House on February 12 and was transmitted to the Senate, where it is awaiting committee referral. 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.

Nebraska [LB 186](#) passed a second reading and advanced to Enrollment and Review. This bill would authorize online notarizations in the state and set forth standards for such notarizations.

Nevada [AB 65](#) is scheduled for a February 14 hearing in the Assembly Government Affairs Committee. This bill would 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 referred to the Senate Judiciary Committee on February 7. This bill would authorize notaries public to certify electronic documents remotely. The bill would also create registration and recordkeeping requirements for such notarizations.

Utah [HB 2](#) passed the Senate on February 8 and is now awaiting enrollment and transmission to Republican Gov. Gary Herbert. 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.

Transfer/Conveyance Taxes

Connecticut [HB 5193](#) was introduced on February 6 by Rep. Jason Doucette, D-Glastonberry, and referred to the Joint Finance, Revenue and Bonding Committee. This bill would exempt from the real estate conveyance tax the sale of real property that is a grantor's primary dwelling and is affected by a crumbling foundation.

Georgia [HB 150](#) was introduced on February 6 by Rep. Ron Stephens, R-Savannah, and referred to the House Ways and Means Committee. This bill would establish a real estate transfer tax on all real estate transactions where the value of the property exceeds \$100. The tax would be imposed at a rate of \$1 for the first \$1,000 and \$0.10 for each additional \$100.

Hawaii [SB 1120](#) passed the Senate Housing Committee unanimously on February 7. The bill then passed a second reading in the House and was subsequently referred to the House Ways and Means Committee. This bill would increase the rate of real estate conveyance tax for properties with a value of \$2 million or greater.

New Hampshire [HB 600](#) is scheduled for a February 20 hearing in the House Ways and Means Committee. 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](#), is scheduled for a February 20 hearing in the Senate Ways and Means Committee.

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 states are currently posting 2019 bill drafts, prefiles and interim studies: [Florida House](#) and [Senate](#) and [Louisiana](#).

Special Elections

Minnesota held a special election for Senate District 11 on February 5. The seat became vacant after Sen. Tony Lourey, D-Kerrick Township, resigned after he was appointed to serve as human services commissioner. Jason Rarick, R-Pine, defeated Stu Lourey, D-Pine, by receiving 52 percent of the vote. Unofficial election results can be found [here](#).

Georgia held a special election for House District 176 on February 12. The seat became vacant when Rep. Jason Shaw, R-Lakeland, was appointed to serve the remainder of H. Doug Everett's term on the Georgia Public Service Commission. Neither Franklin Patten, R-Lakeland, nor James Burchett, R-Waycross, received a sufficient number of votes to clinch the election. A special general runoff is scheduled for March 12.

Texas held a special election for House District 125 on February 12. The seat became vacant when Rep. Justin Rodriguez, D-San Antonio, was appointed to serve as the Precinct 2 representative on the Bexar County Commissioners Court. Fred Rangel, R-San Antonio, and Ray Lopez, D-San Antonio, will face each other in a special general election runoff. A date has yet to be announced.

The following seats will be filled by special elections on the dates provided: **Virginia** House District 86 (February 19); **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); **Kentucky** Senate District 31 and **Rhode Island** House District 68 (March 5); **Georgia** House District 176, **Maine** House District 124, **Mississippi** House districts 32, 71 and 101, **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); **Tennessee** Senate District 22 and **South Carolina** House District 14 (April 23); **California** Senate districts 1 and 33 (June 4) and **Florida** House districts 7, 38, and 97 (June 18).