

REALTOR® Party State Legislative Monitor Weekly Report February 28, 2019

Massachusetts has started to assign bill numbers to legislation for the 2019 session. Previously, only docket numbers and titles had been available. These bills will appear in your database as they are posted by the General Court.

Affordable Housing

Florida [SB 1314](#) was prefiled on February 22 by Sen. Jason Pizzo, D-Miami, and will be introduced when the legislature convenes on March 5. This bill would create a four percent tax credit for individuals or corporations building affordable housing projects where at least 40 percent of the units are offered at what are considered affordable rents, and the remaining rental units do not exceed 120 percent of the area median income.

Montana [HB 527](#) passed a second reading in the House on February 27 and is now awaiting a third reading in that chamber. This bill would extend affordable housing tax exemptions to certain single-member limited liability companies. It would apply to all tax years beginning after December 31, 2019.

Oklahoma [SB 961](#) passed the Senate Appropriations Committee on February 27. 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.

Oregon [HB 2894](#) is scheduled for a March 4 hearing in the House Human Services Committee. This bill would establish a program to provide supplementary loans to individuals to purchase energy efficient manufactured residences.

Utah [SB 34](#) passed the House Economic Development and Workforce Services Committee on February 21 and was subsequently referred to the House Rules Committee. As passed the committee, this bill would establish the Olene Walker Housing Loan Fund, which would be used to provide loans and grants to municipalities and counties for the purchase of land to be used to develop moderate income housing units.

Washington [SB 5334](#) passed the Senate unanimously on February 25 and was transmitted to the House, where it was referred to the Civil Rights and Judiciary Committee. 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.

Growth Management

Housing Supply

Maine [LD 970](#), a bill regarding accessory dwelling units, was introduced on February 26 and referred to the Joint State and Local Government Committee where the bill is scheduled for a hearing on March 13. This bill would direct municipalities to develop policies in the comprehensive planning process that provide for accessory dwelling units, which are dwelling units located within a detached single-family dwelling unit.

Home Buying Programs

First-Time Home Buyer Savings Account

Connecticut [SB 602](#) is scheduled for a March 4 hearing in the Joint Finance, Revenue and Bonding Committee. This bill would authorize a \$2,000 personal income tax credit for first-time homebuyers who have deposited funds into a first-time home buyers savings account. This credit would be claimed during the taxable year in which the first home is purchased or the year in which such funds are deposited into the account.

Connecticut [SB 904](#) was introduced on February 21 by the Joint Insurance and Real Estate Committee, where it was heard on February 27. The committee took no action on the bill following this hearing. This bill would direct the Commissioner of Revenue Services to establish a first-time homebuyer savings account program and establish a tax deduction for contributions made to such accounts.

Illinois [HB 1655](#) is scheduled for a February 28 hearing in the House Revenue and Finance 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.

Michigan [SB 120](#) was introduced on February 21 by Sen. Peter MacGregor, R-Cannon, and referred to the Senate Finance Committee. This bill would create the "Michigan First-Time Home Buyer Savings Program Act," which would authorize individuals to open such tax-deductible accounts to be used for the purchase of a first-time home. This bill is tie-barred with [SB 121](#), meaning that both bills must become enacted for either to take effect.

Michigan [SB 121](#) was introduced on February 21 by Sen. Ken Horn, R-Birch Run, and referred to the Senate Finance Committee. This bill would specify that qualified withdrawals from a first-time home buyers savings account may be deducted from an individual's state income tax in the amount of \$5,000 for a single return or \$10,000 for a joint return. This bill is tie-barred with [SB 120](#), meaning that both bills must become enacted for either to take effect.

Minnesota [HF 1457](#) was introduced on February 21 by Rep. Dan Wolgamott, DFL-St. Cloud, and referred to the House Taxes Committee. This bill would make changes to the amount allowed for contributions to a first-time home buyers savings account and authorize employers to make contributions to an employees' first-time home buyers savings account of up to \$1,000 per year. A companion bill, [SF](#)

[1406](#) was introduced on February 18 by Sen. Karin Housley, R-St. Marys Point, and referred to the Senate Taxes Committee.

Pennsylvania [HB 128](#) passed the House on February 21 and was transmitted to the Senate, where it was referred to the Urban Affairs and Housing 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. An identical companion bill, [SB 309](#), remains pending in the Senate Urban Affairs Committee.

NAR Miscellaneous

Arizona [HB 2108](#) passed the House Public Safety and Rules committees on February 25. As passed the committee, 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 House on February 26 and was returned to the Senate, where it was referred to the City, County and Local Affairs Committee. As passed the House, his bill would prohibit counties and municipalities from regulating residential building design elements, except in certain authorized situations.

Georgia [SB 172](#) was introduced on February 25 by Sen. John Wilkinson, R-Toccoa, and referred to the Senate Government Oversight Committee, where it is scheduled for a February 28 hearing. This bill would prohibit local governments from adopting or enforcing ordinances or regulations on building design elements for one or two-family dwellings. A companion bill, [HB 302](#), passed the House Agriculture and Consumer Affairs Committee on February 20.

Oklahoma [SB 862](#) is scheduled for a February 28 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 Senate on February 26. The bill is now awaiting enrollment and transmission to Republican Gov. Kristi Noem. 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

Illinois [HB 1645](#) is scheduled for a March 5 hearing in the House Judiciary – Criminal Committee. This bill would make it a crime to knowingly misrepresent that an animal is a service animal.

Iowa [SF 341](#) passed the Senate Veterans Affairs Committee on February 21. This bill would require landlords to waive lease restrictions on the keeping of animals for service or assistance animals. Renters would remain liable for any damage caused by a service or assistance animal.

Kentucky [HB 411](#) passed the House Licensing, Occupations and Admin Regs Committee on February 27. As passed the committee, this bill would allow lessors to evict lessees if a lessor is found to have misrepresented an animal as a service animal.

Missouri [HB 107](#) passed a second reading on February 21 and was subsequently referred to the House Rules Committee. This bill would create penalties for the misrepresentation of service animals and emotional support animals.

Oklahoma [HB 1309](#) passed the Senate Judiciary Committee on February 27. This bill would prohibit individuals from misrepresenting an animal as a service animal and create penalties for the violations of these provisions.

Oregon [HB 3098](#) was introduced on February 26 by Rep. Sheri Schouten, D-Beaverton, and is awaiting committee referral. This bill would make the misrepresentation of a service dog punishable by fines and prison time.

South Carolina [SB 281](#) is scheduled for a February 28 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 [SB 770](#) passed the Senate Commerce and Consumer Protection Committee on February 21. 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, [HB 63](#), is pending in the House Consumer Protection and Commerce Committee.

Kansas [SB 60](#) passed the Senate unanimously on February 27. As passed the Senate, 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.

Missouri [SB 36](#) passed the Senate on February 26 and was transmitted to the House, where it is awaiting committee referral. 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.

New Hampshire [HB 355](#) is scheduled for a March 5 work session in the House Executive Departments and Administration Committee. This bill would authorize individuals with criminal records to petition the state's real estate commission for a determination of whether the individual's criminal record would

disqualify them from obtaining a real estate license. The bill would also expand reciprocity for out of state licensees and make changes to requirements for inactive licensees. If enacted, the bill would take effect 60 days after passage.

New Jersey [AB 1526](#) is scheduled for a March 4 hearing in the Senate Budget and Appropriations Committee. This bill would exclude real estate commission licensees from the scope of freelance workers. An identical companion bill, [SB 1048](#), is pending in the Senate Budget and Appropriations Committee.

New Jersey [SB 2472](#) is scheduled for a March 4 hearing in the Senate Commerce Committee. 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

Hawaii [SB 1126](#) passed the Senate Commerce, Consumer Protection and Health Committee on February 26 and is now awaiting a third reading in the Senate. 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, [HB 1329](#), is pending in the House Finance Committee.

Indiana [HB 1495](#) passed the House on February 25 and was transmitted to the Senate, where it is awaiting committee referral. This bill would require sellers of real estate to provide the buyer with an FHA appraisal of the property, a description of any liens encumbering the property, a lead-based paint disclosure, the annual percentage rate of the loan for the property and a legal protection notice. Additionally, the bill contains numerous other provisions relating to real estate transactions.

Oregon [HB 2312](#) is scheduled for a March 4 work session 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.

Homeowners' Associations

Indiana [HB 1138](#) passed the House on February 22 and was transmitted to the Senate, where it is awaiting committee referral. This bill would require that disputes involving homeowners' associations, if not resolved through an informal grievance process, be resolved through binding arbitration.

Rent Control

Oregon [SB 608](#) passed the House on February 26. The bill is now awaiting enrollment and transmission to Democratic Gov. Kate Brown. 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

Colorado [HB 1167](#) is scheduled for a March 4 hearing in the House Finance 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.

Hawaii [HB 77](#) passed the House Judiciary Committee on February 26, and is now awaiting a third reading in the House. This bill would authorize notaries public to perform remote notarizations in the state.

Idaho [SB 1111](#) passed the Senate on February 27 and was transmitted to the House, where it is awaiting committee referral. This bill would authorize the use and acceptance of remote electronic notarizations in the state.

Iowa [HSB 167](#) is scheduled for a February 28 hearing in the House State Government Committee. This bill would authorize the use of electronic notarizations in the state.

Iowa [SSB 1116](#) is scheduled for a February 28 hearing in the Senate State Government Committee. 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](#) passed the Senate Judiciary Committee on February 26 and was subsequently referred to the Senate Rules Committee. 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.

Massachusetts [HB 3292](#) was introduced on February 26 by Rep. Carmine Gentile, D-Sudbury, and referred to the Joint Judiciary Committee. This bill would establish a commission to be tasked with studying the feasibility of implementing an electronic notarization program in the state.

Massachusetts [HB 3293](#) was introduced on February 26 by Rep. Carmine Gentile, D-Sudbury, and referred to the Joint Judiciary Committee. This bill would allow licensed notaries public to perform electronic notarizations in the state.

Montana [HB 370](#) passed the House on February 22 and was transmitted to the Senate, where it was referred to the Business, Labor and Economic Affairs Committee and is scheduled for a March 12 hearing. 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.

Nevada [AB 65](#) is scheduled for a February 28 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.

New Mexico [HB 470](#) passed the House State Government, Elections and Indian Affairs Committee on February 20. 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.

Oklahoma [SB 915](#) passed the Senate on February 26 and was transmitted to the House, where it is awaiting committee referral. This bill would authorize notaries public to certify electronic documents remotely. The bill would also create registration and recordkeeping requirements for such notarizations.

South Dakota [HB 1272](#) is scheduled for a February 28 hearing in the House Judiciary Committee. This bill would authorize the use of electronic and remote notarization in the state.

Transfer/Conveyance Taxes

Connecticut [HB 5193](#) is scheduled for a March 4 hearing in 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.

New Hampshire [HB 600](#) is scheduled for a March 13 executive session 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.

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, 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).

The following state adjourned its 2019 legislative session on the date provided: **Virginia** (February 24) and **Wyoming** (February 28).

The following state is scheduled to adjourn on the date provided: **West Virginia** (March 9) and **South Dakota** (March 13).

The following states had crossover deadlines on the dates provided: **Arizona, Colorado** and **North Dakota** (February 22); **Indiana** and **South Dakota** (February 25); **West Virginia** (February 27) and **Kansas** (February 28).

The following states have crossover deadlines on the dates provided: **Montana** (March 2) and **Hawaii** (March 11).

Illinois Democratic Gov. Jay Pritzker has 60 calendar days while the legislature is in session to act on legislation or it becomes law without signature. **Wyoming** Republican Gov. Mark Gordon has until March 15 to act on legislation presented on or after February 25 or it becomes law without signature. **Virginia** Democratic Gov. Ralph Northam has until March 26 to act on legislation presented on or after February 16 or it becomes law without signature.

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

Louisiana held special elections for House districts 12, 26, 27 and 47 on February 23. House District 12 became vacant when Rep. Rob Shadoin, R-Ruston, resigned to work for the state Department of Wildlife and Fisheries. Christopher Turner, R-Ruston, was able to defeat Jake Halley, R-Farmerville, in the primary by receiving 70 percent of the vote. The general election was cancelled due to one candidate receiving the necessary 50 percent of the vote. Unofficial results can be found [here](#).

House District 26 became vacant when Rep. Jeff Hall, D-Alexandria, was elected as mayor of Alexandria. Ed Larvadain III, D-Alexandria, was able to defeat Sandra Franklin, D-Alexandria, by receiving 61 percent of the vote. The general election was cancelled due to one candidate receiving the necessary 50 percent of the vote. Unofficial results can be found [here](#).

House District 27 became vacant when Rep. Lowell Hazel, R-Pineville, was elected to serve as a judge to Louisiana's Ninth Judicial District. Mike Johnson, R-Rapides Parish, was able to defeat Richard Kretzsinger, D-Rapides Parish, by receiving 92 percent of the vote. The general election was cancelled due to one candidate receiving the necessary 50 percent of the vote. Unofficial results can be found [here](#).

House District 47 became vacant when Rep. Bob Hensgens, R-Gueydan, was elected to Senate District 26. Ryan Bourriaque, R-Abbeville, defeated Ruben Rivera Jr., R-Abbeville, by receiving 64 percent of the vote. The general election was cancelled due to one candidate receiving the necessary 50 percent of the vote. Unofficial results can be found [here](#).

Connecticut held special elections on February 26 for House districts 39 and 99 and Senate districts 3, 5 and 6. Unofficial results for all special elections can be found [here](#).

House District 39 became vacant when Rep. Chris Soto, D-New London, resigned to join Democratic Gov. Ned Lamont's administration. Anthony Nolan, D-New London, was able to defeat Mirna Martinez, G-New London, and Kat Goulart, R-New London, by receiving 51 percent of the vote.

House District 99 became vacant when Rep. James Albis, D-East Haven, resigned to join Democratic Gov. Ned Lamont's administration. Joseph Zullo, R-East Haven, was able to defeat Josh Balter, D-East Haven, by receiving 54 percent of the vote.

Senate District 3 became vacant when Sen. Timothy Larson, D-East Hartford, resigned to join Democratic Gov. Ned Lamont's administration. Saud Anwar, D-South Windsor, was able to defeat Sarah Muska, R-East Windsor, by receiving 59 percent of the vote.

Senate District 5 became vacant when Sen. Beth Bye, D-West Hartford, resigned to join Democratic Gov. Ned Lamont's administration. Derek Slap, D-West Hartford, was able to defeat Bill Wadsworth, R-Farmington, by receiving 63 percent of the vote.

Senate District 6 became vacant when Sen. Terry Gerratana, D-New Britain, resigned to join Democratic Gov. Ned Lamont's administration. Gennaro Bizzaro, R-New Britain, defeated Rick Lopes, D-New Britain, by receiving 53 percent of the vote.

The following seats will be filled by special elections on the dates provided: **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); **Louisiana** House districts 12, 17, 18 and 62 (March 30); **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).