

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

Affordable Housing

Florida [HB 1211](#) was introduced on March 5 by Rep. Javier Fernandez, D-Miami, and is awaiting committee referral. 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. A companion bill, [SB 1314](#), is pending in the Senate Community Affairs Committee.

Florida [SB 1730](#) was introduced on March 5 by Sen. Tom Lee, R-Brandon, and is awaiting committee referral. Under current law, a county may adopt ordinances aimed at increasing affordable housing through inclusionary housing. 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.

Massachusetts [HB 2552](#), sponsored by Rep. Elizabeth Malia, D-Boston, was referred to the Joint Revenue Committee. This bill would authorize municipalities to enact a local option property tax for the purpose of funding a local affordable housing trust fund.

Montana [HB 527](#) passed the House on February 28 and was transmitted to the Senate, where it is awaiting committee referral. 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.

New York [AB 6122](#) was introduced on February 28 by Asm. Michael Fitzpatrick, R-Smithtown, and referred to the Assembly Housing Committee. This bill would authorize any municipality in the state to provide loans for the construction or rehabilitation of multifamily dwellings for low income persons or families located in areas that are in danger of becoming blighted. Under existing law, only New York City may extend such financing.

Growth Management

Numerous bills relating to growth management have been filed in **Massachusetts**, including:

- [HB 1266](#), sponsored by Rep. David DeCoste, R-Norwell, which contains provisions relating to the adoption of smart growth zoning districts by municipalities.
- [HB 1280](#), sponsored by Rep. Kevin Honan, D-Boston, 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 1282](#), sponsored by Rep. Kevin Honan, D-Boston, which would prohibit zoning ordinances from unreasonably regulating the location, dimensions or design of an accessory dwelling unit.

- [HB 1290](#), sponsored by Rep. Kevin Honan, D-Boston, which would establish a community housing development demonstration program in the state.
- [HB 1296](#), sponsored by Rep. Bradley Jones, R-North Reading, which would require the preservation of community water resources to be considered when a municipality adopts an affordable housing measure.
- [HB 1315](#), sponsored by Rep. Denise Provost, D-Somerville, which would create a local option tenant's right to purchase.
- [HB 1797](#), sponsored by Rep. Kevin Honan, D-Boston, which would require municipalities to amend zoning ordinances to promote smart growth multifamily housing production.
- [HB 3507](#), sponsored by Republican Gov. Charlie Baker, 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.
- [SB 775](#), sponsored by Sen. Joseph Boncore, D-Suffolk, which would allow specified changes to municipal zoning ordinances to be adopted by a simple majority vote.
- [SB 780](#), sponsored by Sen. Harriette Chandler, D-Worcester, which would allow specified changes to municipal zoning ordinances to be adopted by a simple majority vote.
- [SB 796](#), sponsored by Sen. Diana DiZoglio, D-Essex, which would encourage the adoption of smart growth zoning districts by municipalities.
- [SB 799](#), sponsored by Sen. James Eldridge, D-Middlesex, which would aim to increase production of affordable housing units in the state through a program of loans and grants.
- [SB 801](#), sponsored by Sen. Patricia Jehlen, D-Middlesex, which would create a local option tenant's right to purchase.

Home Buying Programs

Illinois [HB 3282](#) was referred to the House Revenue and Finance Committee on March 5. This bill would create a property tax exemption in the amount of \$7,500 on a residential property that is owned and occupied by a first-time homebuyer.

First-Time Home Buyer Savings Account

Illinois [HB 1655](#) is scheduled for a March 7 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.

Massachusetts [HB 2456](#), sponsored by Rep. Dylan Fernandes, D-Falmouth, was referred to the Joint Revenue Committee. This bill would establish a first-time homebuyer savings account program in the state, and authorize an income tax deduction for up to \$5,000 for qualified expenditures made from the account. Two similar bills, [SB 819](#) and [SB 1628](#), were referred to the Joint Housing and Revenue committees, respectively.

NAR Miscellaneous

Arkansas [SB 170](#) was enrolled on March 6 and is now awaiting transmission to Republican Gov. Asa Hutchinson. Upon receipt, Governor Hutchinson will have five days to take action on the bill or it will become law without his signature. As passed the legislature, this bill would prohibit counties and municipalities from regulating residential building design elements, except in certain authorized situations.

Georgia [HB 302](#) was rereferred to the House Agriculture and Consumer Affairs Committee on March 4 after previously passing that committee. It was then heard by the committee on March 6, however no action was taken on the bill. 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, [SB 172](#), is pending in the Senate Government Operations Committee.

Oklahoma [HB 1032](#) passed the House Business and Commerce Committee on March 4. This bill would prohibit counties and municipalities from regulating the design elements of single-family residential buildings.

South Dakota [HB 1076](#) was signed by Republican Gov. Kristi Noem on March 5 and will take effect 91 days following adjournment. This act will 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 may 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.

Washington [HB 1746](#) passed the House Finance Committee on February 27 and was subsequently referred to the House Rules Review 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 and authorize local option sales and property taxes for the creation of a reinvestment program.

Washington [HB 1834](#) passed the House Housing, Community Development and Veterans Committee on February 12. 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 Rules Committee.

Washington [HB 1921](#) was heard in the House Finance Committee on February 19, however the committee did not take action on the bill. This bill would alter the structure of the state's real estate excise tax, and distribute any additional funds gained through this restructure to the state's housing trust fund.

Emotional Support Animals

Connecticut [HB 7091](#) is scheduled for a March 7 hearing in the Joint Human Services Committee. This bill would prohibit the misrepresenting of an animal as a service animal.

Florida [SB 1128](#) is scheduled for a March 11 hearing in the Senate Agriculture Committee. 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.

Kentucky [HB 411](#) passed the House unanimously on March 1. It was then transmitted to the Senate, where it was referred to and passed the Licensing, Occupations and Administrative Regulations Committee on March 5. It is now awaiting a second reading in the Senate. 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.

Tennessee [HB 1190](#) is scheduled for a March 12 hearing in the Business Subcommittee of the House Commerce Committee. This bill would authorize landlords to request documentation from tenants relating to service or support animals. A companion bill, [SB 1393](#), is scheduled for a March 12 hearing in the Senate Commerce and Labor Committee.

Real Estate License Law

Hawaii [SB 770](#) passed the Senate on March 5 and is awaiting transmission to the House. 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](#) is scheduled for a March 13 hearing in the House Commerce, Labor and Economic Development Committee. 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.

New Hampshire [HB 355](#) is scheduled for a March 13 hearing 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 [SB 2472](#) passed the Senate Commerce Committee on March 5. 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 on March 5 and was transmitted to the House, where it is awaiting committee referral. 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. A similar bill, [SB 1340](#), is awaiting a third reading in the Senate.

Illinois [SB 1559](#) is scheduled for a March 12 hearing in the Senate Public Health Committee. This bill would require landlords to provide that before a lease is signed, landlords must provide each tenant with a record or report outlining radon concentrations within the dwelling unit.

Illinois [SB 1876](#) is scheduled for a March 12 hearing in the Senate Judiciary Committee. This bill would require lessors to disclose to lessees the risks of flooding for dwelling units located on or below the second floor of a building. It would also require lessors to disclose if their insurance does not cover the loss of a lessee's personal possessions due to flood, fire or other risk of loss.

Maine [LD 229](#) is scheduled for a March 14 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.

Massachusetts [HB 1872](#) was introduced by Rep. Carolyn Dykema, D-Holliston, and referred to the Joint Public Health Committee. This bill would require the disclosure of any lead in plumbing and piping, including water service lines. A similar bill, [SB 1284](#), was also referred to the Joint Public Health Committee.

Oregon [HB 2312](#) passed the House Business and Labor Committee with amendments on March 5. As amended, the bill now requires sellers of real property to disclose, at the time of offer, whether they have ever purchased flood insurance for the property.

Rhode Island [HB 5730](#) was introduced on February 28 by Rep. Lauren Carson, D-Newport, and referred to the House Corporations Committee. This bill would require sellers of real estate to provide a disclosure of the annual building energy cost estimate by an approved energy rater. A similar bill, [HB 5774](#), is also pending in the House Corporations Committee. A companion, [SB 466](#), is pending in the Senate Judiciary Committee.

Homeowners' Associations

Georgia [SB 178](#) passed the Senate Special Judiciary Committee on February 27. As passed the committee, this bill would make changes to rules regarding statements of accounts for fees made by homeowners' associations to members and outlines the forms and methods that associations must follow in providing such notices to members.

New Hampshire [HB 436](#) is scheduled for a March 8 hearing in the House Commerce and Consumer Affairs Committee. This bill would establish an alternate judicial method for the foreclosure of a lien on a condominium unit by a homeowners' association.

Rent Control

Florida [SB 1390](#) was introduced on March 6 by Sen. Victor Torres, D-Kissimmee, and referred to the Senate Community Affairs and Commerce and Tourism committees. This bill would eliminate a provision of law that requires local government measures which impose rent controls to expire within a specified period unless renewed or extended. A companion bill, [HB 6053](#), was also introduced and is pending in the House Local, Federal and Veterans Affairs Subcommittee.

Georgia [HB 523](#) was heard in the House Regulated Industries Subcommittee on March 6, however no action was taken on the bill and it remains pending. This bill would prohibit local governments from regulating the use of real estate as short-term rentals.

Illinois [HB 3207](#) was referred to the House Commercial Law Subcommittee on March 6. This bill would create the Rent Control Act, which would establish rent control boards in every county. These boards would be required to implement rent control regulations in each county based on income and the average rent for a dwelling in that county. It would also repeal the existing Rent Control Preemption Act.

New York [AB 6130](#) was introduced on February 28 by Asm. Michael Fitzpatrick, R-Smithtown, and referred to the Assembly Housing Committee. This bill would eliminate rent control regulations for any accommodation that becomes vacant on or after June 16, 2019.

Oregon [SB 608](#) was signed by Democratic Gov. Kate Brown on February 28 and took effect immediately. This act limits 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.

Local Short-Term Rental

Arizona [HB 2672](#) passed the House Government Committee on March 4. As passed the 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.

Connecticut [HB 6937](#) was heard in the Joint Planning and Development Committee on March 6, however the committee deferred taking action on the bill and it remains pending. 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.

Nebraska [LB 57](#) was presented to Republican Gov. Pete Ricketts on March 1. Governor Ricketts has a deadline of March 7 to take action on this bill or it will become law without his signature. 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.

Electronic and Remote Notarization

Arizona [SB 1030](#) is scheduled for a March 7 hearing in the House Government Committee. The bill previously passed the Senate on February 14. 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.

Colorado [HB 1167](#) passed the House Finance Committee on March 4 and was subsequently referred to the House Appropriations 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](#) had a March 6 hearing in the Civil Justice Subcommittee of the House Judiciary Committee postponed to a later, unspecified date. 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 pending in the Senate Judiciary Committee.

Hawaii [HB 77](#) passed the House on March 1 and was transmitted to the Senate, where it was referred to the Commerce, Consumer Protection and Health and Judiciary committees. This bill would authorize notaries public to perform remote notarizations in the state.

Idaho [SB 1111](#) is scheduled for a March 7 hearing in the House State Affairs Committee. This bill would authorize the use and acceptance of remote electronic notarizations in the state.

Iowa [HSB 167](#) is scheduled for a March 7 hearing in the House State Government Committee. This bill would authorize the use of electronic notarizations in the state.

Iowa [SF 475](#) passed the Senate State Government Committee on March 5. This bill would authorize the use of electronic notarizations for real estate transactions in the state.

Kentucky [SB 114](#) passed the Senate on February 28 and was transmitted to the House, where it was referred to the Judiciary 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 [SB 1871](#), sponsored by Sen. Eric Lesser, D-East Longmeadow, was referred to the Joint State Administration and Regulatory Oversight Committee. This bill would establish a commission to study electronic notarization in the state.

Mississippi [HB 777](#) passed the Senate Judiciary Committee on March 5. As passed the 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.

Nebraska [LB 186](#) is awaiting a final reading in the legislature. This bill would authorize online notarizations in the state and set forth standards for such notarizations.

Nevada [AB 65](#) passed the Assembly on March 6 and was transmitted to the Senate, where it was referred to the 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.

North Dakota [HB 1110](#) was presented to Republican Gov. Doug Burgum on March 6. Governor Burgum has a deadline of March 9 to take action on this bill or it will become law without his signature. This bill would allow for the notarization of electronic documents in the state.

South Dakota [HB 1272](#) passed the legislature on March 6 and is now awaiting enrollment and transmission to Republican Gov. Kristi Noem. This bill would authorize the use of electronic and remote notarization in the state.

Transfer/Conveyance Taxes

Massachusetts [SB 773](#), sponsored by Sen. Joseph Boncore, D-Suffolk, was referred to the Joint Housing Committee. This bill would authorize municipalities to enact a local option fee on real estate transactions for the purpose of funding a municipal affordable housing trust fund.

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.

Rhode Island [SB 466](#) was introduced on February 27 by Sen. Elizabeth Crowley, D-Pawtucket, and referred to the Senate Judiciary Committee. This bill would exempt housing developments financed with federal low-income tax credits, nonprofit corporations and tax-exempt entities, and real estate under an affordable housing program from the state's real estate conveyance tax.

Session Overview

Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, 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, Washington, West Virginia and Wisconsin are in regular session. The **District of Columbia, Puerto Rico** and the **United States Congress** are also in regular session.

Vermont is in recess until March 12. **Alabama's** regular session is in recess until March 19.

Alabama's Republican Gov. Kay Ivey called an immediate special session, beginning on March 6, focused on a proposed gasoline tax increase to fund road and bridge construction, reports [Alabama Public Radio](#).

The following state is scheduled to convene its 2019 legislative session on the date provided: **Louisiana** (April 8).

The following states adjourned their 2019 legislative sessions on the dates provided: **Virginia** (February 24) and **Wyoming** (February 28).

The following states are scheduled to adjourn on the dates provided: **West Virginia** (March 9) and **South Dakota** (March 13).

The following state had crossover deadline on the date provided: **Montana** (March 2).

The following state has a crossover deadline on the date provided: **Hawaii** (March 11).

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. **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.

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

Special Elections

Kentucky held a special election on March 5 for Senate District 31. The seat became vacant when Sen. Ray Jones, D-Pikeville, resigned after becoming the Pike County Judge-Executive. Phillip Wheeler, R-Pike, was able to defeat Darrell Pugh, D-Pike, by receiving 52 percent of the vote. Unofficial election results can be found [here](#).

Rhode Island held a special election on March 5 for House District 68. The seat became vacant after Representative-elect Laufton Ascencao, D-Bristol, announced he would not take the oath of office because he had lied to local Democratic town committee members about producing a six-page mailer and producing fake expenses invoices. June Speakman, D-Bristol, was able to defeat opposing candidates by receiving 40 percent of the vote. Unofficial results can be found [here](#).

The following seats will be filled by special elections on the dates provided: **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); **Iowa** Senate District 30 and **Minnesota** House District 11B (March 19); **South Carolina** Senate District 6 (March 26); **Louisiana** House districts 12, 17, 18 and 62 (March 30); **Maine** House District 52 and **Pennsylvania** Senate District 37 (April 2); **Georgia** House District 28 (April 9); **Tennessee** Senate District 22 and **South Carolina** House District 14 (April 23); **Wisconsin** Assembly District 64 (April 30); **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).