

## REALTOR® Party State Legislative Monitor Weekly Report March 14, 2019

### Affordable Housing

**California** [AB 1074](#) was referred to the Assembly Housing, Community Development and Local Government Committee on March 7. This bill would authorize the issuance of bonds under contract with a homeowner for the purpose of a homeowner constructing an accessory dwelling unit on the homeowner's property.

**California** [SB 4](#) was referred to the Senate Housing, Government and Finance and Environmental Quality committees on March 7. This bill would create a streamlined approval process that is not subject to conditional use permitting for neighborhood multifamily projects located in proximity to transit and job centers.

**California** [SB 50](#) passed the Assembly Housing and Government and Finance Committee on March 11 and was subsequently retained by the committee for further consideration. As passed the committee, this bill would provide incentives for developers to construct housing units in proximity with local transit and job sites. It would also authorize developers to construct additional units in exchange for those units being designated as affordable housing units.

**Montana** [HB 527](#) is scheduled for a March 20 hearing in the Senate Taxation Committee. 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.

**Nebraska** [LB 694](#) was heard in the Appropriations Committee on March 13, however no action was taken on the bill. This bill would amend a provision of the state's affordable housing act to require only for-profit entities to provide matching funds to receive assistance from the Affordable Housing Trust Fund.

**Oklahoma** [SB 961](#) passed the Senate on March 11 and was transmitted to the House, where it is awaiting committee referral. 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.

**Tennessee** [SB 176](#) is scheduled for a March 19 hearing in the Senate State and Local Government Committee. 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, [HB 201](#), is pending in the House Government Operations Committee's Property and Planning Subcommittee.

**Washington** [SB 5334](#) is scheduled for a March 15 hearing in the House 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

**Washington** [HB 1746](#) passed the House on March 13 and is awaiting transmission to the Senate. This bill would incentivize the development of commercial office space in cities in a county with a population of less than 1.5 million by authorizing local sales and use and property taxes.

## Home Buying Programs

**Illinois** [HB 3282](#) is scheduled for a March 14 hearing in the House Revenue and Finance Committee. 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.

**New Jersey** [SB 3555](#) was introduced on March 7 by Sen. Joseph Lagana, D-Paramus, and referred to the Senate Budget and Appropriations Committee. This bill would provide a gross income tax credit for first-time homebuyers and senior citizens in the amount of 25 percent of the taxpayer's property taxes each year from 2019-2021.

## First-Time Home Buyer Savings Account

**Connecticut** [SB 904](#) is scheduled for a March 14 hearing in the Joint Insurance and Real Estate Committee. 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 March 4 hearings in the House Revenue and Finance Committee and Income Tax Subcommittee. 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](#) was heard in the Senate Finance and Taxations Committee on March 11, however the committee took no action on the bill. 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

**Arkansas** [SB 170](#) was presented to Republican Gov. Asa Hutchinson on March 12. Upon receipt, Governor Hutchinson has a deadline of March 18 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](#) passed the House Agriculture and Consumer Affairs Committee on March 7. 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 on March 11 and was transmitted to the Senate, where it is awaiting committee referral. This bill would prohibit counties and municipalities from regulating the design elements of single-family residential buildings.

**Washington** [SB 5746](#) passed the Senate on March 11 and was referred to the House, where it was referred to the Housing, Community Development and Veterans Committee. 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, [HB 1834](#), passed the House Housing, Community Development and Veterans Committee on February 12.

## Emotional Support Animals

**Florida** [SB 1128](#) passed the Senate Agriculture Committee on March 11 and was subsequently referred to the Senate Innovation, Industry and Technology 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.

**Illinois** [HB 1645](#) is scheduled for a March 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.

**Illinois** [HB 3671](#) was heard in the House Commercial Law Subcommittee on March 13, however no action was taken on the bill. This bill would authorize landlords to request supporting documentation from individuals who request the use of an assistance or service animal. It also provides that landlords may require tenants to cover costs for damage caused by such animals.

**Oklahoma** [HB 1309](#) passed the House on March 12 and was transmitted to the Senate, where it is awaiting committee referral. This bill would prohibit individuals from misrepresenting an animal as a service animal and create penalties for the violations of these provisions.

**South Carolina** [SB 281](#) is scheduled for a March 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.

**Tennessee** [HB 1190](#) is scheduled for a March 19 hearing in 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

**Arkansas** [HB 1703](#) was heard in the House Insurance and Commerce Committee on March 13, however the committee did not take action on the bill. This bill would reduce the minimum number of annual continuing education requirements for real estate licensure from six hours per year to four hours per year and create a new two-year license that requires a minimum of eight continuing education hours per two-year cycle.

**Georgia** [HB 192](#) passed the Senate Regulated Industries and Utilities Committee on March 12. This bill would create requirements relating to the establishment and maintenance of real estate management companies and grant the state's Real Estate Appraisers Board to oversee and promulgate rules regulating real estate management companies.

**Mississippi** [SB 2697](#) passed the House on March 13 and is awaiting enrollment and transmission to Republican Gov. Phil Bryant. This bill provides for qualifications for trainee real estate appraisers.

**Missouri** [HB 106](#) passed the House Judiciary Committee on March 6. 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, [SB 36](#), passed the Senate on February 26 and was transmitted to the House, where it is awaiting committee referral.

**Nebraska** [LB 12](#) was signed by Republican Gov. Pete Ricketts on March 6 and took effect immediately. This act provides 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 also applies to those previously licensed in the state within three years prior to becoming a resident of Nebraska after a duty assignment.

**Nebraska** [LB 384](#) advanced to a final reading on March 12, which it is currently awaiting. 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.

## Seller Disclosures

**Connecticut** [SB 1010](#) is scheduled for a March 15 hearing in the Joint Planning and Development Committee. This bill would require sellers of real property to disclose whether there is a dam or similar structure on the property.

**Hawaii** [SB 1340](#) passed the Senate on March 5 and was transmitted to the House, where it was referred to the Water, Land and Hawaiian Affairs, Energy and Environmental Protection, Consumer Protection and Commerce and Finance committees. 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 similar bill, [SB 1126](#), passed the Senate on March 5 and is pending in committee. A companion bill, [HB 1329](#), is pending in the House Finance Committee.

**Illinois** [SB 1559](#) passed the Senate Public Health Committee on March 12 and is now awaiting a second reading in the Senate. 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.

**Maine** [LD 89](#) is scheduled for a March 20 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.

**North Dakota** [HB 1251](#) passed the Senate on March 11 and was returned to the House, where it is awaiting concurrence of Senate amendments. As passed the Senate, this bill would require, prior to an agreement for the sale, exchange or purchase of real estate, the seller to make a written disclosure to the buyer including all material facts of which the seller is aware could adversely and significantly affect an ordinary buyer's use and enjoyment of the property.

**Oregon** [HB 2312](#) passed House on March 7 and was transmitted to the Senate, where it was referred to the Business and General Government Committee. As passed the House, the bill requires sellers of real property to disclose, at the time of offer, whether they have ever purchased flood insurance for the property.

## Homeowners' Associations

**Georgia** [SB 178](#) was tabled by the Senate on March 7 while the chamber was debating the measure on a third reading. 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.

## Rent Control

**Illinois** [HB 255](#) was heard on March 13 in the House Commercial Law Subcommittee, however the committee did not take action on the bill. 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 heard in the House Commercial Law Subcommittee on March 13, however no action was taken on the bill. 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.

**Illinois** [HB 3207](#) was heard in the House Commercial Law Subcommittee on March 13, however no action was taken on the bill. 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.

**Maine** [LD 89](#) is scheduled for a March 27 hearing in the Joint Labor and Housing 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.

## Local Short-Term Rental

**Arizona** [HB 2672](#) passed the House on March 12 and was transmitted to the Senate, where it was referred to the Rules Committee. As passed the House, 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.

**Indiana** [SB 497](#) was referred to the House Ways and Means Committee on March 5 after previously passing the Senate. This bill would specify that if a person rents or furnishes rooms, accommodations or lodgings for periods of less than 30 days, that person would also be responsible for collecting and remitting any sales tax imposed on the rental. Persons renting out a room in their primary residence for less than 10 calendar days per year would be exempt from sales taxation.

**Louisiana** [HB 43](#) was prefiled on March 8 by Rep. Jimmy Harris, D-New Orleans, and provisionally referred to the House Municipal, Parochial and Cultural Affairs Committee. This bill would authorize the city of New Orleans to levy a local tax on short-term rentals.

**Nebraska** [LB 57](#) was signed by Republican Gov. Pete Ricketts on March 7 and will take effect September 7. This act will prohibit municipalities from adopting regulations that expressly or effectively prohibit the use of a property as a short-term rental. Municipalities will, however, be authorized to adopt or enforce an ordinance or regulation that regulates short-term rentals on the basis of public health or safety or imposes a sale or occupancy tax on such rentals.

**New Hampshire** [SB 69](#) passed the Senate Election Law and Municipal Affairs Committee on March 13. This bill would explicitly grant municipalities the authority to regulated short-term rentals, including the licensing of such rentals and the imposing of fees.

**New Jersey** [AB 3721](#) passed the Assembly Tourism, Gaming and the Arts Committee on March 7. This bill would permit municipalities to regulate short-term rentals, and outlines specific steps that owners and municipalities must follow when seeking to offer a short-term rental. A companion bill, [SB 1734](#), is pending in the Senate Community and Urban Affairs Committee.

**New York** [AB 6392](#) was introduced on March 7 by Asm. Joseph Lentol, D-Brooklyn, and referred to the Assembly Housing Committee. This bill would authorize the use of short-term rentals in New York City,



require hosts to register each unit with the state, and authorize New York City to impose and collect taxes on such rentals.

**Texas** [HB 3773](#) was introduced on March 7 by Rep. Angie Button, R-Richardson, and is awaiting committee referral. This bill would prohibit the municipal regulation of short-term rentals, except in specific situations outlined in the bill. A companion bill, [SB 1888](#), was introduced on March 7 by Sen. Pat Fallon, R-Prosper, and is awaiting committee referral. Two similar bills, [HB 3778](#) and [HB 4716](#), were also introduced by Representative Button and are awaiting committee referral.

**Washington** [HB 1798](#) is scheduled for a March 19 hearing in the Senate Financial Institutions, Economic Development and Trade 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.

## Electronic and Remote Notarization

**Arizona** [SB 1030](#) passed the House Government Committee on March 7. 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.

**Connecticut** [HB 7309](#) was introduced on March 7 by the Joint Commerce Committee, where it had a hearing on March 12. This bill would direct the secretary of state to develop a plan authorizing notaries public to perform electronic and remote notarial acts.

**Florida** [HB 409](#) passed the Civil Justice Subcommittee of the House Judiciary Committee on March 13. 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.

**Idaho** [SB 1111](#) passed the House State Affairs Committee on March 11 and is now awaiting a third reading in the House. This bill would authorize the use and acceptance of remote electronic notarizations in the state.

**Iowa** [HSB 167](#) passed the House State Government Committee on March 7. This bill would authorize the use of electronic notarizations in the state.

**Kentucky** [SB 114](#) was presented to Republican Gov. Matt Bevin on March 13. Governor Bevin has a deadline of March 25 to take action on this bill or it will become law without his signature. 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 Senate on March 11. The bill is now awaiting enrollment and transmission to Republican Gov. Phil Bryant. As passed the legislature, 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.

**Missouri** [HB 495](#) passed the House Judiciary Committee on March 6 and was subsequently referred to the House Rules – Administrative Oversight Committee. This bill would authorize the use of electronic and remote notarizations in the state. A companion bill, [SB 409](#), was heard on March 13 in the Senate Local Government and Elections Committee, however no action was taken.

**New York** [SB 4352](#) was introduced on March 8 by Sen. James Skoufis, D-Woodbridge, and referred to the Senate Finance 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. A companion bill, [AB 4076](#), is pending in the Assembly Governmental Operations Committee.

**North Dakota** [HB 1110](#) was signed by Republican Gov. Doug Burgum on March 8 and will take effect August 1. This act will allow for the notarization of electronic documents in the state.

**South Carolina** [SB 486](#) passed the Senate Fish, Game and Forestry Committee on March 13. As passed the committee, this bill would authorize the use of electronic notarizations in the state.

**South Dakota** [HB 1272](#) was presented to Republican Gov. Kristi Noem on March 7. Governor Noem has a deadline of March 14 to take action on this bill or it will become law without her signature. This bill would authorize the use of electronic and remote notarization in the state.

## Transfer/Conveyance Taxes

**New Hampshire** [SB 244](#) passed the Senate Ways and Means Committee on March 7. 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, [HB 600](#), is pending in the House Ways and Means Committee.

## 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, Vermont, 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.

**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](#).

**West Virginia** Republican Gov. Jim Justice signed a [proclamation](#) on March 7 authorizing a special session to act on education matters, the [Charleston Gazette-Mail](#) reports. A brief press release from the office of Governor



Justice can be found [here](#). The proclamation outlines a broad special session scope, authorizing consideration of general improvements to the state's public education system and employee compensation. The special session is in recess to the call of the House speaker and the Senate president.

**South Dakota** has recessed their 2019 legislative session until March 29 where they will return to consider Republican Gov. Kristi Noem's vetoes.

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

The following state adjourned their 2019 legislative session on the date provided: **West Virginia** (March 10).

The following states are scheduled to adjourn on the dates provided: **Utah** (March 14); **Arkansas** (March 15) and **New Mexico** (March 16); **Idaho** (March 25) and **Kentucky** (March 28).

The following states had crossover deadline on the dates provided: **Utah** (March 11); **Washington** (March 13) and **Oklahoma** (March 14).

The following states have crossover deadlines on the dates provided: **Vermont** (March 15); **Maryland** (March 18) and **New Hampshire** (March 28).

**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. **West Virginia** Republican Gov. Jim Justice has until March 27 to act on legislation presented on or after March 5 or it becomes law without signature. **Utah** Republican Gov. Gary Herbert has until April 3 to act on legislation 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 and prefiles: [Louisiana](#).

The following states are currently holding 2019 interim committee hearings: [Virginia](#) and [Wyoming](#).

## Special Elections

**Georgia** held a run-off special election for House District 176 on March 12 after 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. James Burchett, R-Waycross, defeated Franklin Patten, R-Waycross, by receiving 59 percent of the vote.

**Maine** held a special election for House District 124 on March 12 after the seat became vacant when Rep. Aaron Frey, D-Bangor, was elected by the legislature to succeed Janet Mills as Attorney General. Joseph Perry, D-Bangor, defeated Thomas White, R-Bangor, by receiving 65 percent of the vote. Unofficial election results can be found [here](#).

**Mississippi** held special elections for House districts 32 and 71. House District 32 became vacant when Rep. Willie Perkins Sr., D-Leflore, was elected as a chancery judge to Leflore, Quitman, Tallahatchie and Tunica

Counties. Solomon Osborne, NP-Leflore, defeated Troy D. Brown, Sr., NP-Leflore, by receiving 79 percent of the vote.

House District 71 became vacant after Rep. Adrienne Wooten, D-Ridgeland, was elected as the Hinds County Circuit judge. Ronnie Crudup Jr., NP-Hinds, defeated Edelia Cartham, NP-Hinds, and Stephanie Skipper, NP-Hinds, by receiving 63 percent of the vote.

**Pennsylvania** held special elections for House districts 114 and 190 on March 12. House District 114 became vacant when Rep. Sid Michael Kavulich, D-Taylor, passed away. Bridget Malloy Kosierowski, D-Lackawanna, defeated Frank Scavo III, R-Lackawanna, by receiving 62 percent of the vote. Unofficial election results can be found [here](#).

House District 190 became vacant when Rep. Vanessa Lowery Brown, D-Philadelphia, resigned after being convicted of bribery, conflict of interest and failing to properly file a financial disclosure form. Movita Johnson-Harrell, D-Philadelphia, defeated Amen Brown, ABP-Philadelphia, by receiving 67 percent of the vote. Unofficial results can be found [here](#).

**Tennessee** held a special election on March 12 for Senate District 32. This seat became vacant after Sen. Mark Norris, R-Shelby, was nominated by Republican President Donald Trump to serve as a judge on the U.S. District Court for the Western District of Tennessee. Paul Rose, R-Covington, defeated Eric Coleman, D-Bartlett, by receiving 84 percent of the vote. Unofficial election results can be found [here](#).

The following seats will be filled by special elections on the dates provided: **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, **Mississippi** House District 101 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).