

## REALTOR® Party State Legislative Monitor Weekly Report March 21, 2019

### Affordable Housing

**Florida** [SB 1730](#) passed the Senate Community Affairs Committee on March 20. 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.

**Nebraska** [LB 86](#) passed the Revenue Committee on March 19 with amendments. As amended this bill would increase fees used to fund the state's affordable housing trust fund, and require that a percentage of the Affordable Housing Trust Fund be used on projects located in "extremely blighted areas."

**Oregon** [HB 2002](#) was heard in the House Human Services and Housing Committee on March 18, however the committee took no action on the bill. This bill would require property owners subject to affordability restrictions to provide notice to qualified purchasers before such restrictions expire. Property owners would also be required to extend a right of first refusal to qualified purchasers for up to 60 months following the expiration of affordability restrictions.

**Tennessee** [SB 176](#) is scheduled for a March 26 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.

**Utah** [SB 34](#) passed the House on March 14 and was returned to the Senate. The bill is now awaiting enrollment and transmission to Republican Gov. Gary Herbert. As passed the legislature, 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.

**Vermont** [SB 161](#) was introduced on March 19 by Sen. Tim Ashe, D-Burlington, and referred to the Senate Finance Committee. This bill would make numerous changes to affordable housing policy in the state, including authorizing new housing bonds, expanding the scope of the state's property transfer tax, increasing the first-time home buyer tax credit, and expanding the scope of the state's tax on short-term rentals.

**Washington** [SB 5334](#) is scheduled for a March 22 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

**California** [AB 1568](#) was referred to the Assembly Housing and Community Development and Transportation committees on March 14. This bill would require the state's Department of Housing and Community Development to review and certify municipal land use development plans annually before June 30 each year.

**California** [SB 4](#) is scheduled for an April 2 hearing in the Senate Housing Committee. 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.

**Hawaii** [SB 381](#) passed the House Consumer Protection and Commerce Committee unanimously on March 19. This bill would direct the state's Department of Planning and Permitting to study land subdivision and condominium property laws relating to agricultural land and report its findings to the legislature.

**Maine** [LD 970](#) passed the Joint State and Local Government Committee on March 20. This bill would direct municipalities to develop comprehensive planning policies that provide for accessory dwelling units.

**Rhode Island** [SB 312](#) is scheduled for a March 21 hearing in the Senate Housing and Municipal Government Committee. This bill would make several changes to existing law to promote smart growth programs in municipalities.

**Washington** [HB 1746](#) was heard in the Senate Financial Institutions, Economic Development and Trade Committee on March 19, however no action was taken on the bill. 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.

**Washington** [SB 5812](#) is scheduled for a March 27 hearing in the House Local Government Committee. This bill would require certain cities and counties to adopt ordinances and zoning regulations which authorize creating accessory dwelling units within designated urban growth areas by June 1, 2021. A companion bill, [HB 1797](#), is pending in the House.

## Home Buying Programs

**Illinois** [HB 3282](#) is scheduled for a March 21 hearing in the House Revenue and Finance Committee and Property Tax Subcommittee. 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.

**Washington** [SB 5746](#) is scheduled for a March 26 hearing in the House 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.

## **First-Time Home Buyer Savings Account**

**Connecticut** [SB 904](#) passed the Joint Insurance and Real Estate Committee on March 14 and was subsequently referred to the Legislative Commissioners' Office. 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.

**Idaho** [HB 271](#) was introduced on March 14 by the House Revenue and Taxation Committee and subsequently referred to that committee for consideration. This bill would establish first-time homebuyer savings accounts in the states, which would allow an individual tax deduction of \$3,000 per year for individuals and \$6,000 per year for married couples.

**Illinois** [HB 1655](#) is scheduled for March 21 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](#) failed a vote in the Senate Finance and Taxation Committee on March 19, but was placed on the Senate calendar for further consideration. This bill would create an income tax deduction for contributions made to a first-time home buyer savings account, in the amount of \$2,000 annually for individuals and \$4,000 for married couples filing jointly. If enacted, the bill would take effect for taxable years beginning after December 31, 2018.

**Washington** [HB 1798](#) was heard on March 19 in the Senate Financial Institutions, Economic Development and Trade Committee, however the committee took no action on the bill. 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 pending in the Senate Financial Institutions, Economic Development and Trade Committee.

## **NAR Miscellaneous**

**Arkansas** [SB 170/Act 446](#) was signed by Republican Gov. Asa Hutchinson on March 13 and will take effect 90 days from the legislature's May 3 adjournment. This act will prohibit counties and municipalities from regulating residential building design elements, except in certain authorized situations.

**Connecticut** [SB 347](#) passed the Joint Judiciary Committee on March 14 and was subsequently referred to the Legislative Commissioners' Office. This bill would prohibit real estate contracts that require a purchaser of real property to use a specific provider for closing services and title insurance.

## Emotional Support Animals

**Alabama** [SB 10](#) was heard in the Senate Judiciary Committee on March 20. This bill would outline the rights and responsibilities for disabled individuals in relation to the use of a service animal in a public housing accommodation and would create penalties for the misrepresentation of a pet as a service animal.

**Florida** [HB 721](#) passed the Civil Justice Subcommittee of the House Judiciary Committee on March 20 and was subsequently referred to the Children, Families and Seniors Subcommittee of that same committee. 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.

**Illinois** [HB 1645](#) is scheduled for a March 26 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 20, 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.

**Iowa** [SF 341](#) is scheduled for a March 25 hearing in the House Commerce Committee. 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](#) was presented to Republican Gov. Matt Bevin on March 14. Governor Bevin has a deadline of March 26 to take action on this bill or it will become law without his signature. 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](#) was perfected on March 13 and is now awaiting a third reading in the House. This bill would create penalties for the misrepresentation of service animals and emotional support animals.

**Tennessee** [HB 1190](#) is scheduled for a March 26 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 also scheduled for a March 26 hearing in the Senate Commerce and Labor Committee.

## Real Estate License Law

**Arkansas** [HB 1703](#) passed a second reading and was engrossed in the House on March 18, the bill is now awaiting a third reading in that chamber. 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.

**California** [AB 687](#) was referred to the Assembly Business and Professions Committee on March 14, where it is scheduled for an April 2 hearing. This bill would authorize limited liability companies to become licensed as real estate brokers.

**Georgia** [HB 192](#) passed the Senate on March 18 and is now awaiting enrollment and transmission to Republican Gov. Brian Kemp. 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.

**Hawaii** [SB 770](#) passed the House Intrastate Commerce Committee on March 19. 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.

**Illinois** [HB 2960](#) passed the House Labor and Commerce Committee on March 20 and was subsequently referred to the House Commerce and Innovation Subcommittee. This bill would prohibit the creation of real estate appraisal or market value reports unless the creator holds a real estate license in the state.

**Kansas** [SB 60](#) passed the House Commerce, Labor and Economic Development Committee on March 13. 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.

**Mississippi** [SB 2697](#) was presented to Republican Gov. Phil Bryant. Governor Bryant has a deadline of March 25 to take action on this bill or it will become law without his signature. This bill provides for qualifications for trainee real estate appraisers.

**Nebraska** [LB 384](#) was presented to Republican Gov. Pete Ricketts on March 18. Governor Ricketts has a deadline of March 23 to take action on this bill or it will become law without his signature. 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.

## Rent Control

Three **Illinois** bills relating to rent control were heard in the House Commercial Law Subcommittee on March 20, however the committee did not take action on any of the proposals at this time, these bills include:

- [HB 255](#), which would repeal the state's [Rent Control Preemption Act](#), which prohibits municipalities from enacting or enforcing rent control measures.
- [HB 2192](#), which 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.
- [HB 3207](#), which 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.

## Local Short-Term Rental

**Arizona** [HB 2672](#) is scheduled for a March 21 hearing in the Senate Commerce 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.

**District of Columbia** [B22 92](#) was transmitted to the U.S. Congress on March 14 and has a projected law date of May 9. This act will establish requirements governing the use of short-term rentals to permit limited vacation rentals 15 nights cumulatively and 120 days annually. It will require short-term rental hosts to obtain a basic business license. It will also require short-term rental hosts and hosting platforms to maintain records. Further, it will require the Department of Consumer and Regulatory Affairs to inspect short-term rentals for violations of health and safety, as well as to establish duties and enforcement powers for the department.

**Indiana** [SB 497](#) was referred to the House Ways and Means Committee on March 20 though no action was taken on the bill. 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.

**New Jersey** [SB 3158](#), is scheduled for a March 25 hearing in the Senate Community and Urban Affairs Committee. This bill specifies that transient accommodations and rentals will only be subject to taxes if the rental is obtained through a marketplace, online or otherwise, that allows accommodations to be listed and provides a means for arranging the rental of an accommodation. An identical companion bill, [AB 4814](#), is pending in the Assembly Tourism, Gaming and the Arts Committee.

## Electronic and Remote Notarization

**Arizona** [SB 1030](#) passed the House Rules Committee on March 18 and is now awaiting a third reading in the House. 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](#) passed the Joint Commerce Committee on March 19 and was subsequently referred to the Legislative Commissioners' Office. 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](#) was substituted by and passed the Civil Justice Subcommittee of the House Judiciary Committee on March 13 and subsequently referred to the House Transportation and Tourism Appropriations Subcommittee of the Judiciary Committee. As substituted, 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](#) was presented to Republican Gov. Brad Little on March 20. Governor Little has a deadline of March 26 to take action on this bill or it will become law without his signature. This bill would authorize the use and acceptance of remote electronic notarizations in the state.

**Iowa** [HF 736](#) was introduced on March 13 by the House State Government Committee and subsequently referred to that committee. This bill would authorize the use of electronic notarizations in the state.

**Montana** [HB 370](#) was enrolled on March 19 and is awaiting transmission to Democratic Gov. Steve Bullock. 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.

**South Carolina** [HB 3917](#) passed the House Judiciary Committee on March 20. This bill would authorize and implement an electronic notarization system in the state. A companion bill, [SB 486](#), passed the Senate on March 20 and was transmitted to the House, where it is awaiting committee referral.

## Transfer/Conveyance Taxes

**Georgia** [HB 507](#) passed the Senate Finance Committee on March 18 and is now awaiting a third reading in that chamber. This bill would revise the criteria used by tax assessors to determine the fair market value of real property for the purpose of ad valorem taxation of property.

**Georgia** [SB 216](#) is scheduled for a March 21 hearing in the House Ways and Means Committee. This bill would allow local governments to accept prepayments of ad valorem property taxes.

**New Hampshire** [HB 600](#) passed the House Ways and Means Committee on March 19. 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](#), passed the Senate Ways and Means Committee on March 7.

## Session Overview

**Alabama, 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 York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Washington and Wisconsin** are in regular session. The **District of Columbia, Puerto Rico** and the **United States Congress** are also in regular session.

**Alabama** adjourned their first special session sine die on March 12 after passing three bills related to the Republican Gov. Kay Ivey's infrastructure plan, reports the [Alabama Political Reporter](#).

**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. The proclamation outlines a broad special session scope, authorizing consideration of general improvements to the state's public education system and employee compensation. Education officials kicked off a series of public hearings on March 18 as part of preparations for their upcoming special legislative session. Additional forums are scheduled to take place in early April. The special session is currently 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 states adjourned their 2019 legislative sessions on the dates provided: **Utah** (March 14) and **New Mexico** (March 16).

The following states are scheduled to adjourn on the dates provided: **Idaho** (March 25) and **Kentucky** (March 28).

The following states had crossover deadlines on the dates provided: **Washington** (March 13); **Oklahoma** (March 14); **Vermont** (March 15) and **Maryland** (March 18).

The following state has a crossover deadline on the date provided: **New Hampshire** (April 4).

**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. **New Mexico** Democratic Gov. Michelle Grisham has until April 5 to act on legislation presented on or after March 13 or it is pocket vetoed. **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 had a signing deadline on March 15.

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

**Iowa** held a special election on March 19 for Senate District 30. The seat became vacant when Sen. Jeff Danielson, D-Cedar Falls, resigned in February. Eric Giddens, D-Cedar Falls, defeated Walt Rogers, R-Cedar Falls, by receiving 57 percent of the vote. Unofficial election results can be found [here](#).

**Minnesota** held a special election on March 19 for House District 11B. The seat became vacant when Rep. Jason Rarick, R-Pine City, won a special election for state Senate District 11. Nathan Nelson, R-Pine City,



defeated Tim Burkhardt, D-Pine City, by receiving 68 percent of the vote. Unofficial election results can be found [here](#).

The following seats will be filled by special elections on the dates provided: **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).