

REALTOR® Party State Legislative Monitor Weekly Report April 4, 2019

Affordable Housing

California [AB 725](#) is scheduled for an April 10 hearing in the Assembly Housing and Community Development Committee. This bill would prohibit more than 20 percent of a suburban or metropolitan jurisdiction's share of the regional housing need for above moderate-income housing from being allocated to sites with zoning restricted to single-family housing.

California [AB 1717](#) is scheduled for an April 10 hearing in the Assembly Housing and Community Development Committee. This bill would establish the Transit-Oriented Affordable Housing Funding Program, which would promote the creation of municipal zoning districts which incentivize the creation of affordable housing in proximity with public transit.

Florida [SB 1314](#) was withdrawn from consideration on April 3 and is unlikely to see further movement. 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, [HB 1211](#), remains pending in the House Ways and Means Committee.

Nebraska [LB 694](#) passed the Appropriations Committee on March 27 and is now awaiting consideration before the Senate. 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 House Appropriations and Budget Finance Subcommittee on April 2 and is now awaiting consideration before the full committee. 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 2002](#) is scheduled for a potential April 8 work session in the House Human Services and Housing Committee. This bill would require property owners subject to affordability restrictions to provide notice to qualified purchases 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.

Utah [SB 34](#) was signed by Republican Gov. Gary Herbert on March 26 and will take effect May 13. This act will establish the Olene Walker Housing Loan Fund, which will 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 heard in the Senate Finance Committee on April 3, however the committee took no action on the bill and it remains pending. 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.

Growth Management

Five **California** bills relating to accessory dwelling units saw movement this week:

- [AB 68](#) is scheduled for an April 10 hearing in the Assembly Local Government Committee. This bill would require local agencies to, in areas zoned for housing, approve building permits for the construction of accessory dwelling units.
- [AB 69](#) passed the Assembly Housing and Community Development Committee on April 3 and was subsequently referred to the Assembly Appropriations Committee. This bill would require the Department of Housing and Community Development to propose standards for accessory dwelling units and homes smaller than 800 square feet.
- [AB 587](#) is scheduled for an April 10 hearing in the Assembly Local Government Committee. This bill would require local accessory dwelling unit ordinances to allow such units to be sold or conveyed separately from the primary residence under certain circumstances.
- [AB 671](#) is scheduled for an April 10 hearing in the Assembly Housing and Community Development Committee. This bill would require local governments to enact ordinances that incentivize and promote the creation of accessory dwelling units that can be offered at affordable rent for very low, low and moderate-income households.
- [AB 881](#) is scheduled for an April 10 hearing in the Assembly Local Government Committee. This bill would restrict the types of regulations that local governments may impose on accessory dwelling units for the purpose of encouraging their construction.

California [SB 4](#) passed the Senate Housing Committee on April 2 and was subsequently referred to the Senate Governance and Finance Committee, where it is scheduled for an April 24 hearing. 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 Senate Housing Committee on April 2 and was subsequently referred to the Senate Governance and Finance Committee, where it is scheduled for an April 24 hearing. This bill would require local governments to create incentives for relaxing zoning standards in job-rich and transit-rich areas.

Washington [HB 1746](#) passed the Senate Financial Institutions, Economic Development and Trade Committee on March 28 and was subsequently referred to the Senate Rules 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 by authorizing local sales and use and property taxes.

Washington [SB 5812](#) passed the House Local Government Committee on April 2 and was subsequently referred to the House Rules 2 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 Rules 2 Consideration Committee.

Home Buying Programs

California [SB 384](#) is scheduled for an April 10 hearing in the Senate Environmental Quality Committee. Under current law, individuals may exclude up to \$250,000 or \$500,000 of gross income from taxation for the purchase of a first-time home. This bill would increase that amount to \$300,000 or \$600,000.

Washington [SB 5746](#) is scheduled for an April 4 hearing in the House Capital Budget 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](#), is also pending in the House Capital Budget Committee.

First-Time Home Buyer Savings Account

Connecticut [SB 904](#) was reported favorably out of the Legislative Commissioners' Office on April 3 and is now awaiting consideration in the Senate. 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.

Washington [SB 5334](#) was withdrawn from the House Rules 2 Review Committee on March 29 and is now awaiting a second reading in the House. 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.

NAR Miscellaneous

Connecticut [SB 347](#) was heard in the Joint Judiciary Committee on April 3, however the committee did not take action on the bill and it remains pending. 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.

Oklahoma [HB 1032](#) was withdrawn from the Senate General Government Committee and subsequently referred to the Senate Business, Commerce and Tourism Committee. This bill would prohibit counties and municipalities from regulating the design elements of single-family residential buildings.

Emotional Support Animals

Alabama [SB 10](#) was substituted by the Senate Judiciary Committee and subsequently passed that committee. The bill is now awaiting a third reading in the Senate. This bill would prohibit discrimination against a person for using a service animal in a housing accommodation or public accommodation. It would also create penalties for the misrepresentation of an animal as a service animal.

Missouri [HB 107](#) passed the House on March 27 and was transmitted to the Senate, where it is awaiting committee referral. This bill would create penalties for the misrepresentation of service animals and emotional support animals for the purpose of obtaining a housing accommodation.

Rhode Island [HB 5299](#) was heard in the House Health, Education and Welfare Committee on April 3, however the committee took no action on the bill and it remains pending. This bill would prohibit the misrepresentation of an animal as a service animal for the purpose of acquiring any right or privilege afforded to disabled persons.

South Carolina [SB 281](#) passed the Senate Agriculture and Natural Resources Committee on April 2 and subsequently passed a second reading in that chamber on April 3. 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 an April 4 hearing on the House floor. This bill would authorize landlords to request documentation from tenants relating to service or support animals. A companion bill, [SB 1393](#), is scheduled for an April 4 hearing on the Senate floor.

Real Estate License Law

Arkansas [HB 1703](#) was recommended for study by the Joint Interim Committee following an April 3 hearing in the House Insurance and Commerce Committee. 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. A similar bill, [HB 1924](#), is scheduled for an April 5 hearing in the House Insurance and Commerce Committee.

California [AB 687](#) passed the Assembly Business and Professions Committee on April 2 and was subsequently referred to the Assembly Judiciary Committee. This bill would authorize limited liability companies to become licensed as real estate brokers.

Hawaii [SB 770](#) passed the House on April 2 and was returned to the Senate for concurrence. This bill would require a high school education or equivalent as a prerequisite for obtaining a license as a real estate broker or salesperson.

Kansas [SB 60](#) was presented to Democratic Gov. Laura Kelly on April 2. Governor Kelly has a deadline of April 12 to take action on this bill or it will become law without her signature. 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.

Louisiana [HB 299](#) was prefiled on March 28 by Rep. Thomas Carmody, R-Shreveport, and provisionally referred to the House Commerce Committee. This bill would require certain continuing education courses for real estate licensure be approved by the state Real Estate Commission, others would be exempt from any type of approvals process.

Maryland [HB 123](#) passed the Senate on March 28 and was referred to the House. This bill would authorize a real estate team to designate themselves by a collective name using the words “and associates.”

Missouri [HB 106](#) passed the House Rules Committee on March 28. 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](#), is pending in the House Professional Registration and Licensing Committee.

North Carolina [SB 590](#) was introduced on April 3 by Sen. Rick Gunn, R-Alamance, and is awaiting committee referral. This bill would reduce the frequency which real estate brokers have to complete continuing education requirements from every three years to every 18 months.

Seller Disclosures

Connecticut [SB 1010](#) was favorably reported out of the Legislative Commissioners’ Office on April 2 and is now awaiting consideration in the Senate. This bill would require sellers of real property to disclose whether there is a dam or similar structure on the property.

Indiana [HB 1495](#) passed the Senate Judiciary Committee on April 3. 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.

Maine [LD 229](#) passed a second reading in the Senate on April 2. 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.

Rent Control

California [AB 1482](#) was amended in the Assembly Housing and Community Development Committee on March 28. As amended, this bill now contains provisions that would create rent caps by prohibiting owners of residential real property from increasing the rental rate for a property by more than a yet-unspecified percentage over the previous year’s rental rate.

Maine [LD 522](#) is scheduled for an April 4 work session in the Joint Labor and Housing Committee. This bill would prohibit municipalities from adopting an ordinance regulating the rent that may be charged for a rental property, imposing fees specific to rental properties, or requiring the registration of rental properties.

Local Short-Term Rental

Arizona [HB 2672](#) was heard on April 1 in the Senate Commerce Committee, however the committee took no action on the bill. 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.

Maryland [SB 533](#) is scheduled for an April 4 hearing in the House Ways and Means Committee. This bill would require hosting platforms to collect and remit the sales and use tax on short-term rentals. It would also require hosting platforms to display any taxes and fees at the time of sale. A companion bill, [HB 884](#), is also pending in the House Ways and Means Committee.

New York [SB 4899](#) was introduced on March 28 by Sen. James Skoufis, D-Woodbury, and referred to the Senate Housing, Construction and Community Development 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. A companion bill, [AB 6392](#), is pending in the Assembly Housing Committee.

Texas [HB 3778](#) is scheduled for an April 4 hearing in the House Urban Affairs Committee. This bill would cap the fee for registration of short-term rentals at the lesser of the amount needed to cover administrative costs or \$450. It would also require individuals who facilitate short-term rentals but do not collect tax to file a report with the state describing the property.

Washington [HB 1798](#) passed the Senate Financial Institutions, Economic Development and Trade Committee on March 29 and was subsequently referred to the Senate Rules 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 pending in the Senate Financial Institutions, Economic Development and Trade Committee.

Electronic and Remote Notarization

Colorado [HB 1167](#) passed the House on April 3 and is awaiting transmission to the Senate. 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.

Connecticut [HB 7309](#) was favorably reported out of the Legislative Commissioners' Office on April 3 and is now awaiting consideration in the House. This bill would direct the secretary of state to develop a plan authorizing notaries public to perform electronic and remote notarial acts.

Florida [SB 548](#) passed the Senate Judiciary Committee on April 1 and was subsequently referred to the Senate Governmental Oversight and Accountability Committee. This bill would authorize online notarizations in the state and establish requirements relating to the performance of such notarizations. A companion bill, [HB 409](#), is pending in the House Judiciary Committee.

Louisiana [HB 514](#) was prefiled on March 29 by Rep. Ray Garofalo, R-Chalmette, and provisionally referred to the House Civil Law and Procedure Committee. This bill would provide for electronic and remote notarizations in the state.

Missouri [SB 409](#), passed the Senate Local Government and Elections Committee on March 27. This bill would authorize the use of electronic and remote notarizations in the state. A companion bill, [HB 495](#), is pending in the House Rules – Administrative Oversight Committee.

Montana [HB 370](#) was signed by Democratic Gov. Steve Bullock on March 26 and will take effect October 1. 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.

Transfer/Conveyance Taxes

Georgia [SB 216](#) was concurred by the Senate on March 29 and is now awaiting enrollment and presentation to Republican Gov. Brian Kemp. As passed the legislature, this bill would allow local governments to accept prepayments of ad valorem property taxes.

Session Overview

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, 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.

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.

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 session on the dates provided: **Kentucky** (March 28); **Mississippi** and **South Dakota** (March 29) and **Georgia** (April 2).

The following states are scheduled to adjourn on the dates provided: **Idaho** (April 4); **Maryland** (April 8) and **Alaska** (April 14).

The following states have crossover deadlines on the dates provided: **New Hampshire** (April 4); **South Carolina** (April 10) and **Illinois** and **Iowa** (April 12).

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. **Georgia** Republican Gov. Brian Kemp has until May 12 to sign or veto 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. **Kentucky** Republican Gov. Matt Bevin has 10 days from presentment, Sundays excepted, to act on legislation or it becomes law without signature. **Mississippi** Republican Gov. Phil Bryant has 15 days from presentment, Sundays excepted, to act on legislation presented on or after March 24 or it becomes law without signature.

South Dakota Republican Gov. Kristi Noem has acted upon all legislation as of March 29. **Utah** Republican Gov. Gary Herbert had a signing deadline on April 3.

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

The following states are currently holding 2019 interim committee hearings: [Kentucky](#), [South Dakota](#), [Utah](#), [Virginia](#), [West Virginia](#) and [Wyoming](#).

Special Elections

Louisiana held special elections for House districts 17, 18 and 62 on March 30. House District 17 became vacant when Rep. Marcus Hunter, D-Ouachita, resigned to serve as judge on the Fourth Judicial District. Pat Moore, D-Ouachita, defeated Rodney McFarland Sr., D-Ouachita, by receiving 63 percent of the vote. Unofficial election results can be found [here](#).

House District 18 became vacant when Rep. Major Thibaut, D-Pointe Coupee, won election to serve as the president of Pointe Coupee Parish. Jeremy LaCombe, D-Pointe Coupee, defeated Tammi Fabre, R-Pointe Coupee, by receiving 69 percent of the vote. Unofficial election results can be found [here](#).

House District 62 became vacant after Rep. Kenny Havard, R-West Feliciana, won election to serve as president of West Feliciana Parish. Roy Adams, I-West Feliciana, defeated Dennis Aucoin, R-West Feliciana, by receiving 54 percent of the vote. Unofficial election results can be found [here](#).

Maine held a special election for House District 52 on April 2. House District 52 became vacant when Rep. Jennifer DeChant, D-Bath, resigned to take a job in the private sector. Sean Paulhus, D-Bath, was able to defeat Kenneth Sener, R-Bath, by receiving 67 percent of the vote. Unofficial election results can be found [here](#).

Mississippi held a special election for House District 101 on April 2. House District 101 became vacant when Rep. Brad Touchstone, R-Lamar County, was elected as Lamar County Court Judge. Kent McCarty, NP-Hattiesburg, defeated Steven Utroska, NP-Hattiesburg, by receiving 68 percent of the vote. Unofficial election results can be found [here](#).

Pennsylvania held a special election for Senate District 37 on April 2. Senate District 37 became vacant when Sen. Guy Reschenthaler, R-Pittsburg, was elected to represent Pennsylvania's 14th Congressional District. Pam Iovino, D-Pittsburg, defeated D. Raja, R-Pittsburg, by receiving 52 percent of the vote. Unofficial election results can be found [here](#).

The following seats will be filled by special elections on the dates provided: **Georgia** House District 28 (April 9); **Tennessee** Senate District 22 and **South Carolina** House District 14 (April 23); **Wisconsin** Assembly District 64 (April 30); **Pennsylvania** Senate District 41 (May 21); **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).