

REALTOR® Party State Legislative Monitor Weekly Report April 11, 2019

Affordable Housing

California [AB 11](#) passed the Assembly Housing and Community Development Committee on April 10 and was referred to the Assembly Local Government Committee, where it is scheduled for an April 24 hearing. This bill would authorize a city, county, or two or more cities acting jointly, to propose the formation of an affordable housing and infrastructure agency. These agencies would be authorized to issue bonds for the purpose of financing redevelopment housing or infrastructure projects.

California [AB 723](#) passed the Assembly Revenue and Taxation Committee on April 8 and was subsequently referred to the Assembly Housing and Community Development Committee. This bill would authorize Alameda and Contra Costa Counties to provide certain lessors with low-income rental housing incentives. In order to qualify, a property must be used exclusively for rental housing and is rented to no more than 30 percent of the income level of persons of low income.

California [AB 725](#) had an April 10 hearing postponed to a later, unspecified date. 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](#) passed the Assembly Housing and Community Development Committee on April 10 and was referred to the Assembly Local Government Committee, where it is scheduled for an April 24 hearing. 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.

California [SB 5](#) passed the Senate Housing Committee on April 4 and was subsequently referred to the Senate Appropriations Committee. This bill would authorize local governments to establish an Affordable Housing Authority to fund affordable housing.

Florida [HB 7103](#) was substituted by and subsequently passed the House Judiciary Committee on April 4 and was referred to the House State Affairs Committee. As substituted, this bill would make numerous changes to property development regulations, including restricting counties and municipalities from adopting or imposing mandatory affordable housing ordinances.

Florida [SB 1730](#) passed the Senate Infrastructure and Security Committee on April 9. 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.

Hawaii [HB 820](#) passed the Senate on April 9 and was transmitted to the House. As passed the Senate, this bill would prohibit the imposition of inclusionary zoning requirements on housing offered exclusively for sale in perpetuity to certain buyers. It would also create the ALOHA homes program, aimed at providing affordable, locally owned homes for state residents within one-half mile of a public transit system.

Maryland [SB 917](#) passed the House on April 9. Companion bill [HB 1045](#) also passed the Senate on April 9. As passed the legislature, these bill would require municipal planning commissions to include a housing element in their comprehensive plans.

Montana [HB 527](#) was enrolled and is awaiting transmission to Democratic Gov. Steve Bullock. This bill would extend affordable housing tax exemptions to certain single-member limited liability companies. It would apply to all tax years beginning after December 31, 2019.

Oklahoma [SB 961](#) passed the House Appropriations and Budget Committee on April 10. 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](#) passed the House Human Services and Housing Committee on April 8. 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.

Growth Management

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

- [AB 68](#) passed the Assembly Local Government Committee on April 10 and was subsequently referred to the Assembly Appropriations Committee. This bill would require local agencies to, in areas zoned for housing, approve building permits for the construction of accessory dwelling units.
- [AB 587](#) passed the Assembly Local Government Committee on April 10. 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](#) passed the Assembly Housing and Community Development Committee on April 10 and was referred to the Assembly Local Government Committee, where it is scheduled for an April 24 hearing. 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](#) passed the Assembly Local Government Committee on April 10 and was referred to the Assembly Appropriations 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.
- [SB 13](#) passed the Senate Government and Finance Committee on April 10 and was referred to the Senate Appropriations Committee. This bill would make changes to how municipalities may regulate accessory dwelling units, including reducing or eliminating municipal fees on such units.

California [AB 1279](#) passed the Assembly Housing and Community Development Committee on April 10 and was referred to the Assembly Local Government Committee, where it is scheduled for an April 24 hearing. This bill would allow development sites in “high-resource areas” to bypass certain density and height zoning restrictions if the development meets specified criteria.

California [AB 1485](#) passed the Assembly Housing and Community Development Committee on April 10 and was subsequently referred to the Assembly Local Government Committee. This bill would create a streamlined approval process for housing developments for projects that limit 20 percent of the units to up to 120 percent of the area median income or less.

California [SB 4](#) is scheduled for an April 24 hearing in the Senate Governance and Finance 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.

California [SB 50](#) is scheduled for an April 24 hearing in the Senate Governance and Finance Committee. This bill would require local governments to create incentives for relaxing zoning standards in job-rich and transit-rich areas.

California [SB 330](#) passed the Senate Governance and Finance Committee on April 10, was referred to the Senate Housing Committee. As amended, this bill would create the Housing Crisis Act of 2019. It would create a statewide streamlined approval process for housing developments, place restrictions on certain high-rental cost developments, and create a process for legalizing occupied buildings that do not meet state or local habitability codes.

Colorado [HB 1245](#) was amended in and subsequently passed the House Finance Committee and was subsequently referred to the House Appropriations Committee. As amended, this bill would increase affordable housing funding in the state through the creation of a sales tax vendor fee.

Home Buying Programs

Washington [SB 5746](#) was heard on April 4 in the House Capital Budget Committee, however no action was taken on the bill. 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

New York [SB 4993](#) was introduced on April 3 by Sen. Kevin Parker, D-Brooklyn, and referred to the Senate Finance Committee. This bill would create the New York State Home Ownership Savings Plans. These plans would be eligible for tax deductions when used for the purchase of a first-time home.

Pennsylvania [SB 309](#) passed a second reading on April 9 and was subsequently referred to the Senate Appropriations Committee. This bill would authorize the creation of first-time homebuyers savings accounts in the state. Money deposited into this account would be able to be deducted from state income

tax. An identical companion bill, [HB 128](#), passed the House on February 21 and is pending in the Senate Urban Affairs and Housing Committee.

Washington [SB 5334](#) passed the House unanimously on April 4 and is awaiting transmission to the Senate. 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 320](#) was favorably reported out of the Legislative Commissioners' Office on April 3 and is now awaiting consideration in the Senate. This bill would specify that real estate closing parties must be represented by a Connecticut-based attorney.

Connecticut [SB 347](#) passed the Joint Judiciary Committee on April 8 and was 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.

Georgia [HB 288](#) was presented to Republican Gov. Brian Kemp on April 4. Governor Kemp has a deadline of May 12 to take action on this bill or it will become law without his signature. This bill would revise the fee schedule for filing legal documents relating to real estate.

Georgia [SB 2](#) was presented to Republican Gov. Brian Kemp on April 6. Governor Kemp has a deadline of May 12 to take action on this bill or it will become law without his signature. This bill would authorize certain electricity cooperations to provide broadband services in the state.

Georgia [SB 17](#) was presented to Republican Gov. Brian Kemp on April 5. Governor Kemp has a deadline of May 12 to take action on this bill or it will become law without his signature. This bill would authorize telephone cooperatives and their broadband affiliates to provide broadband services in the state.

Georgia [SB 37](#) was presented to Republican Gov. Brian Kemp on April 9. Governor Kemp has a deadline of May 12 action on this bill or it will become law without his signature. This bill would specify that an agreement to modify, alter, cancel, repeal, revoke, release or rescind a contract that is subject to the statute of frauds must be in writing and subject to the statute of frauds.

Georgia [SB 66](#) was presented to Republican Gov. Brian Kemp on April 6. Governor Kemp has a deadline of May 12 to take action on this bill or it will become law without his signature. This bill would streamline the deployment of wireless broadband facilities in the public right-of-way.

Georgia [SB 97](#) was presented to Republican Gov. Brian Kemp on April 5. Governor Kemp has a deadline of May 12 to take action on this bill or it will become law without his signature. This bill would limit fees for self-storage facilities for the late payment of rent and provide for liens and the enforcement of liens for fees for such late payments.

Oklahoma [HB 1032](#) is scheduled for an April 11 hearing in 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

Florida [SB 1128](#) passed the Senate Rules Committee on April 10. 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 3671](#) passed the House on April 9 and is awaiting transmission to the Senate. 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.

Missouri [HB 107](#) passed a second reading in the Senate on April 4 and was subsequently referred to the Senate Agriculture, Food Production and Outdoor Resources Committee. This bill would create penalties for the misrepresentation of service animals and emotional support animals for the purpose of obtaining a housing accommodation.

Oklahoma [HB 1309](#) passed the Senate Health and Human Services Committee on April 8. This bill would prohibit individuals from misrepresenting an animal as a service animal and create penalties for the violations of these provisions.

Rhode Island [HB 5299](#) passed the House Health, Education and Welfare Committee on April 3 and is awaiting consideration in the House. 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 on April 10 and was sent to the House, where it is awaiting committee referral. This bill would specify that intentional misrepresentation of a service animal is a misdemeanor and would outline penalties for violations.

Tennessee [HB 1190](#) passed the House on April 4 and was transmitted to the Senate, where it is awaiting committee referral. 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 11 hearing on the Senate floor.

Real Estate License Law

Georgia [HB 192](#) was presented to Republican Gov. Brian Kemp on April 4. Governor Kemp has a deadline of May 12 to take action on this bill or it will become law without his signature. 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](#) was rejected by the House and is now awaiting appointment to a conference committee. This bill would require a high school education or equivalent as a prerequisite for obtaining a license as a real estate broker or salesperson. Differences between the bill as passed the House and the Senate relate solely to the effective date of the bill.

Missouri [HB 106](#) passed a second reading in the House on April 9. 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.

Seller Disclosures

Maine [LD 229](#) passed the legislature on April 4 and is awaiting enrollment. 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.

Texas [SB 339](#) was heard in the Senate Business and Commerce Committee on April 9, however the committee took no action on the bill and it remains pending. This bill would require a sellers disclosure notice for residential real property to include information regarding floodplains, flood pools or reservoirs.

Rent Control

Colorado [SB 225](#) was introduced on April 1 by Sen. Julie Gonzales, D-Denver, and referred to the Senate State, Veterans and Military Affairs Committee. This bill would repeal a statewide prohibition on municipal rent control ordinances.

Local Short-Term Rental

Connecticut [HB 7177](#) was reported favorably out of the Legislative Commissioners' Office on April 2 and is now awaiting consideration before the House. This bill would reduce the room occupancy tax on short-term rental operators for rentals of 30 days or less from 15 to five percent.

Maryland [HB 884](#) passed the Senate on April 8 and was returned to the House. 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, [SB 533](#), passed the House on April 8 and was returned to the Senate.

Texas [HB 3778](#) was heard in the House Urban Affairs Committee on April 4, however the committee took no action on the bill and it remains pending. 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.

Electronic and Remote Notarization

Alaska [HB 124](#) is scheduled for an April 12 hearing in the House Judiciary Committee. This bill would authorize the notarization and conveyance of electronic documents in the state.

California [AB 199](#) passed the Assembly Business and Professions Committee on April 9 and was subsequently referred to the Assembly Judiciary Committee. This bill would create the “California Online Notary Act of 2019.” It would allow notaries public to register as online notaries public, and to perform notarial acts and online notarizations by means of audio-video communication. It would also create recordkeeping provisions relating to online notarizations.

Colorado [HB 1167](#) was transmitted to the Senate and referred to the Judiciary Committee on April 8 after previously passing the House. 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 [SB 548](#) passed the Senate Governmental Oversight and Accountability Committee on April 10 and was referred to the Senate Rules 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.

Oklahoma [SB 915](#) passed the House Judiciary Committee on April 4. As passed the committee, this bill would authorize notaries public to certify electronic documents remotely. The bill would also create registration and recordkeeping requirements for such notarizations.

Transfer/Conveyance Taxes

Georgia [HB 183](#) was presented to Republican Gov. Brian Kemp on April 4. Governor Kemp has a deadline of May 12 to take action on the bill or it will become law without his signature. This bill would create a right to appeal for any taxpayer that fails to file a property tax return or whose property tax return was deemed returned.

Georgia [HB 507](#) was presented to Republican Gov. Brian Kemp on April 8. Governor Kemp has a deadline of May 12 to take action on this bill or it will become law without his signature. 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.

New Hampshire [HB 600](#) is scheduled for an April 24 hearing in the Senate 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. A similar bill, [SB 244](#), passed the Senate Ways and Means Committee on March 7.

Session Overview

Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Florida, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, 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.

Arkansas is in recess until adjournment on April 24.

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 session. Additional forums are scheduled to take place in early April, reports the [Register Herald](#). The special session is currently in recess to the call of the House speaker and the Senate president.

The following state adjourned their 2019 legislative session on the date provided: **Maryland** (April 8).

The following states are scheduled to adjourn on the dates provided: **Idaho** (April 11) and **Alaska** (April 14).

The following states have crossover deadlines on the dates provided: **Illinois** and **Iowa** (April 12).

The following states had crossover deadlines on the dates provided: **New Hampshire** (April 4) and **South Carolina** (April 10).

Georgia Republican Gov. Brian Kemp has until May 12 to sign or veto legislation or it becomes law without signature. **Maryland** Republican Gov. Larry Hogan has until May 28 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. **New Mexico** Democratic Gov. Michelle Grisham had a signing deadline on April 5. **Illinois** Democratic Gov. Jay Pritzker had a signing deadline on April 8 for 2018 legislation.

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

Georgia held a special election on April 9 for House District 28. On February 1, a superior court judge ruled that four votes were cast incorrectly in the December 4 special election and called for a new election to take place. Chris Erwin, R-Homer, was able to defeat Dan Gasaway, R-Homer, by receiving 76 percent of the vote.

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