

REALTOR® Party State Legislative Monitor Weekly Report April 18, 2019

Affordable Housing

California [AB 139](#) is scheduled for an April 24 hearing in the Assembly Housing and Community Development Committee. This bill, the Emergency and Transitional Housing Act of 2019, would require a city or county to adopt a general plan for land use development within its boundaries that includes a housing element and would alter requirements for existing general plans.

California [AB 1763](#) is scheduled for an April 24 hearing in the Assembly Local Government Committee. This bill would require a density bonus to be provided to a developer who agrees to construct a housing development in which 100 percent of the total units are for lower income households. It would also exempt housing developments from maximum controls on density if located within one half mile of a major transit stop or a high-quality transit corridor.

California [SB 5](#) is scheduled for an April 24 hearing in the Senate Governance and Finance Committee. This bill would authorize local governments to establish an Affordable Housing Authority to fund affordable housing.

Florida [HB 7103](#) passed the House State Affairs Committee on April 11 and is now awaiting a second reading in the House. As passed the committee, this bill would make numerous changes to property development regulations, including restricting counties and municipalities from adopting or imposing mandatory affordable housing ordinances.

Hawaii HB 820 was referred to a conference committee on April 15. [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. [As passed the House](#), the bill appropriates money to certain state agencies.

Nevada [SB 103](#) passed the Senate on April 17. As passed the Senate, this bill would authorize cities and counties to impose certain housing and building fees for the purpose of creating or maintaining an affordable housing project.

Oklahoma [SB 961](#) passed the House on April 17 and was returned to the Senate for enrollment. 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 2001](#) passed the House Human Services and Housing Committee on April 12. This bill would require cities with a population greater than 10,000 to allow the construction of duplexes in lands zoned for single-family dwellings.

Oregon [HB 2002](#) passed the House Human Services and Housing Committee on April 11. 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.

South Carolina [SB 757](#) was introduced on April 10 and referred to the Senate Labor, Commerce and Industry Committee. This bill would require a county, municipality or state agency that intends to adopt an ordinance or rule that would increase or decrease housing costs to first prepare a housing impact analysis.

Growth Management

California [AB 881](#) is scheduled for an April 24 hearing in 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.

California [AB 1485](#) is scheduled for an April 24 hearing in 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 [AB 1568](#) is scheduled for an April 24 hearing in the Assembly Housing and Community Development Committee. 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 330](#) is scheduled for an April 22 hearing in 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](#) passed the House Appropriations Committee on April 16 and was referred to the Committee of the Whole for a second reading. As passed the committee, this bill would increase affordable housing funding in the state through the creation of a sales tax vendor fee.

Washington [HB 1746](#) passed the Senate on April 12 and was returned to the House. As passed 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.

Washington [HB 1923](#) passed the Senate on April 13 and is awaiting transmission to the House. This bill would encourage cities with a population greater than 10,000 to take certain actions to increase residential building capacity and housing affordability through the adoption of new or amended land use and zoning laws.

Home Buying Programs

First-Time Home Buyer Savings Account

Michigan [SB 121](#) was heard in the Senate Finance Committee on April 17, however no action was taken on the bill and it remains pending in the committee. This bill would specify that qualified withdrawals from a first-time home buyers savings account may be deducted from an individual's state income tax in the amount of \$5,000 for a single return or \$10,000 for a joint return. This bill is tie-barred with [SB 120](#), meaning that both bills must become enacted for either to take effect.

NAR Miscellaneous

Oklahoma [HB 1032](#) passed the Senate Business, Commerce and Tourism Committee on April 11. This bill would prohibit counties and municipalities from regulating the design elements of single-family residential buildings.

Emotional Support Animals

Alabama [SB 10](#) passed the Senate on April 16 and is awaiting transmission to the House. 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.

Florida [HB 721](#) passed the House Judiciary Committee on April 17. 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.

Florida [SB 1128](#) passed a second reading in the Senate on April 12. 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.

Iowa [SF 341](#) passed the House unanimously on April 10 and was transmitted to the Senate. 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.

North Dakota [HB 1259](#) was enrolled on April 16 and is awaiting transmission to Republican Gov. Doug Burgum. This bill would create penalties for knowingly making a false claim that a pet is a service animal in order to obtain a reasonable housing accommodation or gain admission to a public place.

Oklahoma [HB 1309](#) passed the Senate on April 16 and was returned to the House for concurrence. 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 on April 11 and was transmitted to the Senate. 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.

Tennessee [HB 1190](#) was enrolled on April 17 and is awaiting transmission to Republican Gov. Bill Lee. Upon receipt, Governor Lee will have 10 days to take action on the bill or it will become law without his signature. This bill would authorize landlords to request documentation from tenants relating to service or support animals.

Real Estate License Law

Hawaii [SB 770](#) was referred to a conference committee on April 12. 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.

Kansas [SB 60](#) was signed by Democratic Gov. Laura Kelly on April 10 and took effect immediately. This act makes 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.

Missouri [HB 106](#) passed the House on April 11 and is awaiting transmission to the Senate. 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

Connecticut [SB 1010](#) was favorably reported out of the Legislative Commissioners' Office on April 17 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 on April 16 and is awaiting transmission back to the House. 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 the legislature on April 11 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.

North Dakota [HB 1251](#) was presented to Republican Gov. Doug Burgum on April 17. Governor Burgum has a deadline of April 20 to take action on this bill or it will become law without his signature. As passed the legislature, 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.

Rent Control

Colorado [SB 225](#) passed the Senate State, Veterans and Military Affairs Committee on April 15 and was referred to the Committee of the Whole for a second reading. This bill would repeal a statewide prohibition on municipal rent control ordinances.

Local Short-Term Rental

California [AB 1731](#) is scheduled for an April 29 hearing in the Assembly Natural Resources Committee. This bill would authorize short-term rental hosting platforms to make rental units available in the San Diego area year-round if a resident lives full time on the property.

Washington [HB 1798](#) passed the Senate on April 11 and was returned to the House. As passed the Senate, 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.

Electronic and Remote Notarization

Alaska [HB 124](#) was heard in the House Judiciary Committee on April 15 and held by the committee for further consideration. This bill would authorize the notarization and conveyance of electronic documents in the state. A companion bill, [SB 109](#), is pending in the Senate Judiciary Committee.

Arizona [SB 1030/Chapter 56](#) was signed by Republican Gov. Doug Ducey on April 10 and will take effect on June 30, 2020. This act will 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. It will also establish registration and recordkeeping requirements for such notarizations.

Colorado [HB 1167](#) was heard in the Senate Judiciary Committee on April 17, however the committee took no action on the bill and it remains pending. This bill would authorize notaries public to perform a notarial act on behalf of an individual who is not in the notary's physical presence, but only with respect to an electronic document. The bill would also establish requirements for such remote notarizations. A similar bill, [SB 84](#), is pending in the Senate State, Veterans and Military Affairs Committee.

Florida [HB 409](#) passed the House Judiciary Committee on April 17. This bill would authorize online notarizations in the state and establish requirements relating to the performance of such notarizations. A companion bill, [SB 548](#), passed the Senate Governmental Oversight and Accountability Committee on April 17.

Iowa [SF 475](#) passed the House on April 17 and was returned to the Senate. This bill would authorize the use of electronic notarizations for real estate transactions in the state.

Missouri [HB 495](#) passed the House Rules – Administrative Oversight Committee on April 11. This bill would authorize the use of electronic and remote notarizations in the state. A companion bill, [SB 409](#), passed the Senate Local Government and Elections Committee on April 4.

Nevada [AB 65](#) passed the Senate on April 16 and was returned to the Assembly. This bill would eliminate a requirement that a notary public have practiced for four years before becoming eligible for licensure as an electronic notary public.

Oklahoma [SB 915](#) passed the House on April 17 and was returned to the Senate. As passed the House, this bill would authorize notaries public to certify electronic documents remotely. The bill would also create registration and recordkeeping requirements for such notarizations.

Session Overview

Alabama, Alaska, Arizona, Colorado, Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, 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** and **Puerto Rico** are also in regular session.

The following are in recess until the dates provided: **California** (April 22); **Minnesota** (April 23); **Arkansas** (April 24); **United States** Congress (April 29) and **Kansas** (May 1).

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 its 2019 legislative session on the date provided: **Idaho** (April 11).

The following states are scheduled to adjourn on the dates provided: **Arizona** (April 23); **Arkansas** (April 24); **Washington** (April 28) and **Indiana** (April 29).

The following states had crossover deadlines on the dates provided: **South Carolina** (April 10) and **Illinois** and **Iowa** (April 12).

Idaho Republican Gov. Brad Little has until April 23 to sign or veto legislation or it becomes law without signature. **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.

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

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

Special Elections

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).