

REALTOR® Party State Legislative Monitor Weekly Report May 23, 2019

Affordable Housing

California [AB 957](#) passed the Assembly on May 16 and was transmitted to the Senate, where it was referred to the Rules Committee. This bill, a housing omnibus bill, makes numerous changes to housing law in the state, including authorizing counties to use state grants to provide rental and supportive housing assistance. An in-depth summary of the bill's provisions can be found [here](#).

Iowa [HF 772](#) was signed by Republican Gov. Kim Reynolds on May 20 and took effect immediately. This act expands the state's workforce housing tax incentives program, by expanding grants for the program and creating a competitive applications process for grants under the program. An in-depth analysis of the act can be found [here](#).

Minnesota [SF 2226](#), the omnibus agriculture development, rural development and housing finance bill, passed a conference committee on May 20 and is now awaiting re-passage by the House. This bill contains numerous provisions relating to economic development through state-provided housing grants. An in-depth summary of the bill as passed the Senate can be found [here](#).

Nebraska [LB 86](#) was placed on the final reading calendar on May 22. 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."

Nebraska [LR 178](#) was introduced on May 21 by Sen. Machaela Cavanaugh of Omaha and referred to the Senate Executive Board Committee. This resolution would create an interim study committee to be tasked with examining the distribution of affordable housing across the state and how the lack of available affordable housing impacts the workforce.

Nebraska [LR 202](#) was introduced on May 21 by Sen. John McCollister of Omaha and referred to the Senate Executive Board Committee. This resolution would create an interim study committee to be tasked with examining the use and administration of the Nebraska affordable housing tax credit to ensure it is being fully utilized to leverage available federal funding and maximize the development of workforce housing.

Nevada [SB 103](#) passed the Assembly on May 22 and was transmitted to the Senate. This bill would authorize local governments to reduce or subsidize certain fees for the purpose of funding an enterprise fund for affordable housing projects.

Nevada [SB 398](#) passed the House Government Affairs Committee on May 16 and a subsequent second reading on May 22. This bill would direct boards of county commissioners and governing boards of certain cities to expend specified funds for the development or redevelopment of affordable housing.

New Jersey [SB 3696](#) was introduced on May 16 by Sen. Gerald Cardinale, D-Cresskill, and referred to the Senate Community and Urban Affairs Committee. This bill would direct the state's Council on Affordable Housing to, every five years, calculate and report the ratio of median home cost to the median income in the state. Such calculations are currently done on a local-level rather than a state-wide level.

Oregon [HB 2997](#) passed the Senate Housing Committee on May 22. This bill would authorize mid-size cities in the state to impose affordable housing conditions on housing developments through 2023.

Growth Management

Three **California** bills with provisions relating to growth management passed their originating chamber on May 22 and were ordered to the second chamber. These bills include:

- [AB 68](#), which would require local agencies to, in areas zoned for housing, approve building permits for the construction of accessory dwelling units.
- [AB 69](#), which would require the Department of Housing and Community Development to propose standards for accessory dwelling units and homes smaller than 800 square feet.
- [AB 671](#), which 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.
- [SB 13](#), which would make changes to how municipalities may regulate accessory dwelling units, including reducing or eliminating municipal fees on such units.

Four additional **California** bills have passed a second reading in their originating chamber and are now awaiting a third reading. These bills include:

- [AB 1279](#), which would allow development sites in "high-resource areas" to bypass certain density and height zoning restrictions if the development meets specified criteria.
- [AB 1783](#), which was amended on the Assembly floor on May 17. As amended, this bill would create a streamlined process for the approval of agricultural employee housing.
- [SB 5](#), which would authorize local governments to establish an Affordable Housing Authority to fund affordable housing.
- [SB 330](#), which 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.

California [AB 670](#) is scheduled for a June 4 hearing in the Senate Housing Committee. This bill would make provisions in a common interest development's governing document void and unenforceable if it prohibits the construction of accessory dwelling units or junior accessory dwelling units.

Colorado [HB 1245](#) was signed by Democratic Gov. Jared Polis on May 17 and will take effect on August 2. This act will increase affordable housing funding in the state through the creation of a sales tax vendor fee. A fiscal analysis of this bill can be found [here](#).

Colorado [HB 1322](#) was signed by Democratic Gov. Jared Polis on May 17 and will take effect on August 2. This act will transfer funds from the Unclaimed Property Trust Fund to the Housing Development Grant Fund. Money transferred to the development fund must be used to finance grants and housing for the purchase of homes in non-urban areas with income up to 120 percent of the area median income. A summary of the bill can be found [here](#).

New Jersey [SCR 165](#) was introduced on May 16 by Sen. Gerald Cardinale, D-Cresskill, and referred to the Senate Community and Urban Affairs Committee. This bill would propose an amendment to the state's constitution to prohibit exclusionary zoning and outline municipal obligations regarding affordable housing construction.

Home Buying Programs

First-Time Home Buyer Savings Account

New Jersey [SB 3729](#) was introduced on May 16 by Sen. Troy Singleton, D-Moorestown, and referred to the Senate Community and Urban Affairs Committee. This bill would create a grant program for down payment and home repair assistance for low and moderate income first-time homebuyers. The total grant would be in the amount of \$25 million and each individual grant would be capped at the greater of six percent of the home's purchase price or \$10,000.

New York [SB 6047](#) was introduced on May 16 by Sen. Diane Savino, D-Staten Island, and referred to the Senate Housing, Construction and Community Development Committee. This bill would establish the New York State first time home savings program, which would authorize such buyers to establish tax-deductible savings accounts for the purpose of purchasing a first-time home.

Ohio [SB 139](#) was heard in the Senate Ways and Means Committee on May 21, however the committee took no action on the bill and it remains pending. This bill would authorize income tax deductions for contributions to and earnings on savings accounts designated for the purchase of a first-time home.

NAR Miscellaneous

Connecticut [SB 347](#) passed the Senate on May 21 and is now awaiting consideration before the House. 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

Illinois [HB 3671](#) passed the Senate on May 22 and was transmitted to the House, where it is awaiting committee referral. 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.

New York [AB 7331](#) passed the Assembly Governmental Operations Committee on May 21 and was referred to the Assembly Codes Committee. This bill would prohibit discrimination against persons with

disabilities using a service animal in housing accommodations. An identical companion bill, [SB 6172](#), is pending in the Senate Investigations and Government Operations Committee.

Real Estate License Law

Louisiana [HB 299](#) passed the Senate Commerce, Consumer Protection and International Affairs Committee on May 22. 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.

Missouri [SB 36](#) passed the legislature on May 17 and is awaiting enrollment and transmission to Republican Gov. Mike Parson. As passed the legislature, this bill would specify that a real estate licensee would 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.

Nebraska [LB 454](#) was placed on the Senate calendar for final reading on May 21. This bill would eliminate the requirement that a real estate broker or salesperson obtain a high school diploma or equivalent as a prerequisite for licensure.

South Carolina [SB 281](#) was signed by Republican Gov. Henry McMaster on May 16 and took effect immediately. This act specifies that intentional misrepresentation of a service animal is a misdemeanor and would outline penalties for violations.

Seller Disclosures

Oregon [HB 2312](#) passed the Senate on May 16 and was returned to the House. This bill would require sellers of real property to disclose, at the time of offer, whether they have ever purchased flood insurance for the property.

Rent Control

California [AB 1482](#) was amended on the Assembly floor on May 20 and is now awaiting a third reading in that chamber. This bill would create rent caps by prohibiting owners of residential real property from increasing the rental rate for a property by more than five percent plus the percentage change in cost of living over the previous year's rental rate. As amended, the provisions of this bill would expire on January 1, 2030 and exempt housing that has been issued a certificate of occupancy within the previous 10 years.

New York [SB 6089](#) was introduced on May 16 by Sen. Gustavo Rivera, D-Bronx, and referred to the Senate Housing, Construction and Community Development Committee. This bill would prohibit landlords from taking away preferential rent from a rent-regulated tenant.

Local Short-Term Rental

Arizona [HB 2672/Chapter 240](#) was signed by Republican Gov. Doug Ducey on May 21 and will take effect August 18. This act will 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 act will also prohibit the nonresidential use of short-term rentals. Finally, the act will require online lodging operators to obtain a transaction privilege tax license. An in-depth summary of the provisions of this act can be found [here](#).

Louisiana [HB 43](#) passed the Senate Local and Municipal Affairs Committee on May 20 and was referred to the Senate Revenue and Fiscal Affairs Committee. This bill would authorize the city of New Orleans to levy a local tax on short-term rentals.

New Jersey [AB 4814](#) passed the Assembly Tourism, Gaming and the Arts Committee with minor amendments on May 20. As passed the 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, [SB 3158](#), passed the Senate Community and Urban Affairs Committee on May 13 and was subsequently referred to the Senate Budget and Appropriations Committee.

Rhode Island [HB 6119](#) was introduced on May 16 by Rep. Lauren Carson, D-Newport, and referred to the House Finance Committee. This bill would prohibit a third-party hosting platform from renting a short-term rental unit unless that unit is registered with the city or town where it is located.

Electronic and Remote Notarization

Louisiana [HB 514](#) is scheduled for debate and a third reading on the House floor on May 23. This bill would provide for electronic and remote notarizations in the state.

Nebraska [LB 186](#) was placed on the Senate calendar for final reading on May 22. This bill would authorize online notarizations in the state and set forth standards for such notarizations.

Session Overview

Alabama, Arizona, California, Connecticut, Delaware, Illinois, Louisiana, Maine, Massachusetts, Michigan, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Vermont and **Wisconsin** are in regular session. The **District of Columbia** Council, **Puerto Rico** and the **United States** Congress are also in regular session.

Alaska Republican Gov. Mike Dunleavy issued a [proclamation](#) calling for a 30-day special session beginning May 16. The special session will deal with subjects relating to appropriations for public education and transportation of students, appropriations for the operating and loan program and appropriations for mental health programs.

After adjourning late on May 20, the **Minnesota** legislature is scheduled to return for a one-day special session on May 23 to finish final budget agreements through a series of conference committees, reports the [Star Tribune](#).

According to a **South Carolina** [concurrent resolution](#), the legislature has returned for a three-day special session on May 20 to deal with the state budget and other contested issues not resolved during conference committees, reports [WACH](#).

West Virginia has returned for a special session to deal with proposed education legislation, reports the [Charleston Gazette](#). Senate President Mitch Carmichael, R-Jackson, revealed the Student Success Act plan last week which would lump together the pay raises school workers want with the charter schools that many oppose within the state. According to the plan, the state and county boards of education would oversee the charter schools.

The following states adjourned their 2019 legislative sessions on the dates provided: **Missouri** (May 17) and **Minnesota** (May 20).

The following states are scheduled to adjourn on the dates provided: **Arizona** and **Vermont** (May 24); **Texas** (May 27) and **Illinois** and **Oklahoma** (May 31).

Iowa Republican Gov. Kim Reynolds has until May 27 to act on legislation presented on or after April 24 or it is pocket vetoed. **Maryland** Republican Gov. Larry Hogan has until May 28 to act on legislation or it becomes law without signature. **Colorado** Democratic Gov. Jared Polis has until June 2 to act on legislation presented on or after April 23 or it becomes law without signature. **Hawaii** Democratic Gov. David Ige has until July 9 to act on legislation presented on or after April 19 or it becomes law without signature. **Alaska** Republican Gov. Mike Dunleavy has 20 days from delivery, Sundays excepted, to act on legislation or it becomes law without signature. **Arkansas** Republican Gov. Asa Hutchinson has 20 days from presentment to act on legislation presented on or after April 18 or it becomes law without signature. **Florida** Republican Gov. Ron DeSantis has 15 days from presentment to act on legislation presented on or after April 27 or it becomes law without signature. **Kansas** Democratic Gov. Laura Kelly has 10 days from presentment 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. **Minnesota** Democratic Gov. Tim Walz has three 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. **Missouri** Republican Gov. Mike Parson has 45 days from presentment to act on legislation or it becomes law without signature. **Montana** Democratic Gov. Steve Bullock has 10 days from presentment to act on legislation or it becomes law without signature. **North Dakota** Republican Gov. Doug Burgum has 15 days from presentment, Saturdays and Sundays excepted, to act on legislation or it becomes law without signature. **South Carolina** Republican Gov. Henry McMaster has until two days after the next meeting of the legislature to act on legislation presented on or after May 3 or it becomes law without signature. **Tennessee** Republican Gov. Bill Lee has 10 days starting the day after presentment, Sundays excepted, to act on legislation or it becomes law without signature.

Washington Democratic Gov. Jay Inslee had a signing deadline on May 21.

The following states are currently holding 2019 interim committee hearings: [Colorado](#), [Georgia House](#) and [Senate](#), [Idaho](#), [Indiana](#), [Kansas](#), [Kentucky](#), [Maryland](#), [New Mexico](#), [North Dakota](#), [South Carolina House](#) and [Senate](#), [South Dakota](#), [Utah](#), [Virginia](#), [Washington](#), [West Virginia](#) and [Wyoming](#).

The following states are currently posting 2019 bill drafts, prefiles and interim studies: [Arkansas](#) and [Kentucky](#).

Special Elections

Pennsylvania held special elections for House District 11 and Senate districts 33 and 41. House District 11 became vacant after Rep. Brian Ellis, R-Butler County, resigned due to sexual assault allegations. Marci Mustello, R-Butler County, defeated Samuel Doctor, D-Butler County, by receiving 57 percent of the vote. Unofficial election results can be found [here](#).

Senate District 33 became vacant when Sen. Richard Alloway, R-Hamilton Township, resigned. Doug Mastriano, R-Adams County, defeated Sarah Hammond, D-Adams County, by receiving 70 percent of the vote. Unofficial election results can be found [here](#).

Senate District 41 became vacant when Sen. Don White, R-Indiana, resigned. Joe Pittman, R-Indiana, defeated Susan Boser, D-Ford City, by receiving 66 percent of the vote. Unofficial results can be found [here](#).

The following seats will be filled by special elections on the dates provided: **California** Senate districts 1 and 33 (June 4); **Florida** House districts 7, 38 and 97 (June 18); **Washington** House District 13b and Senate District 40 (August 6); **Alabama** House District 74 (August 27); **Missouri** House districts 99 and 158, **New Jersey** Senate District 1 and **New York** Senate District 57 (November 5) and **Alabama** House District 74 (November 12).