

REALTOR® Party State Legislative Monitor Weekly Report May 30, 2019

Affordable Housing

Illinois [SB 2259](#) was introduced on May 23 by Senate President John Cullerton, D-Chicago, and referred to the Senate Assignments Committee. This bill would create property tax incentives for newly-constructed or rehabilitated rental property if at least 20 percent of the buildings units have rents that are at or below maximum rents and are occupied by households below the maximum income limit.

Maryland [HB 1045/Chapter 713](#) was enacted without the signature of the governor on May 25, and will take effect June 1, 2020. This act will require municipal planning commissions to include a housing element in their comprehensive plans.

Nebraska [LB 86](#) passed the Senate on May 24 and is now awaiting enrollment and transmission to Republican Gov. Pete Ricketts. 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."

Nevada [SB 103/Chapter 151](#) was signed by Democratic Gov. Steve Sisolak on May 28 and will take effect January 1, 2020. This act will authorize local governments to reduce or subsidize certain fees for the purpose of funding an enterprise fund for affordable housing projects.

Oregon [HB 2997](#) passed the Senate on May 23 and is now awaiting concurrence in the House. As passed the Senate, this bill would authorize mid-size cities in the state to impose affordable housing conditions on housing developments through 2023.

Growth Management

Four **California** bills passed the Assembly recently and were subsequently referred to the Senate Housing Committee:

- [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.

Two **California** bills are scheduled for a June 4 hearing in the Senate Housing Committee:

- [AB 587](#), which 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 670](#), which 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.

California [AB 1783](#) passed the Assembly on May 23 and was transmitted to the Senate, where it is awaiting committee referral. This bill would create a streamlined approval process for housing for agricultural workers.

California [SB 5](#) passed the Senate on May 29 and was transmitted to the Assembly, where it is awaiting committee referral. This bill would authorize local governments to establish an Affordable Housing Authority to fund affordable housing.

Maine [LD 970/Chapter 130](#) was signed by Democratic Gov. Janet Mills on May 23 and will take effect September 17. This act will direct municipalities to develop comprehensive planning policies that provide for accessory dwelling units.

NAR Miscellaneous

Connecticut [SB 320](#) passed the Senate on May 28 and is awaiting consideration in the House. As passed the Senate, this bill would specify that real estate closing parties must be represented by a Connecticut-based attorney.

Emotional Support Animals

Illinois [HB 3671](#) was concurred in the House on May 24. The bill is now awaiting final passage in the House and enrollment. 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.

Nevada [SB 367](#) was presented to Democratic Gov. Steve Sisolak on May 28. Governor Sisolak has a deadline of May 31 to take action on this bill or it will become law without his signature. This bill would authorize a tenant of housing acquired, constructed or rehabilitated through the state's affordable housing trust fund to keep a pet within their residence.

Real Estate License Law

Connecticut [SB 909](#) passed a second reading in the House and is awaiting final consideration in that chamber. This bill would enable individuals to satisfy real estate broker and salesperson educational requirements entirely through an online course of study.

Louisiana [HB 299](#) passed the Senate on May 28 and was returned to the House, where it is awaiting enrollment. 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/Chapter 572](#) was enacted without the signature of the governor on May 25 and will take effect October 1. This act will authorize a real estate team to designate themselves by a collective name using the words “and associates.”

Nebraska [LB 454](#) was enacted without the signature of the governor on May 29 and will take effect September 4. This act will eliminate the requirement that a real estate broker or salesperson obtain a high school diploma or equivalent as a prerequisite for licensure.

Nevada [SB 230](#) was concurred by the Senate on May 28 and is now awaiting enrollment and transmission to Democratic Gov. Steve Sisolak. This bill would mandate a minimum of 120 hours of instruction for licensure as a real estate broker and at least 36 hours of continuing education per licensing period. The bill would also require real estate brokers to include their license number in any advertisements.

New Jersey [SB 2472](#) passed the Assembly on May 23 and is now awaiting enrollment. This bill would require real estate licensees to complete at least one hour of education concerning fair housing and housing discrimination as a prerequisite for licensure as a broker, broker-salesperson or salesperson, and complete at least one hour of continuing education concerning fair housing and housing discrimination during each biennial license term as a broker, broker-salesperson or salesperson.

Seller Disclosures

Texas [SB 339](#) was presented to Republican Gov. Greg Abbot on May 25. Governor Abbot has a deadline of June 16 to take action on this bill or it will become law without his signature. This bill would require a sellers disclosure notice for residential real property to include information regarding floodplains, flood pools or reservoirs.

Rent Control

California [AB 1399](#) passed the Assembly on May 28 and was transmitted to the Senate, where it was referred to the Rules Committee. This bill seeks to close various rent-control loopholes in existing state law, by clarifying that landlords may not withdraw accommodations from the rental market and then re-enter the market by simply paying punitive damages.

Local Short-Term Rental

California [AB 1731](#) passed the Assembly on May 23 and was transmitted to the Senate, where it was referred to the Rules Committee. This bill would prohibit a hosting platform from listing a property located within San Diego County’s costal zone as a short-term rental for more than 30 days per calendar year, unless the primary resident lives onsite at least 270 days per year.

Louisiana [HB 43](#) passed the Senate Revenue and Fiscal Affairs Committee on May 27; the bill is now awaiting a third reading in the Senate. This bill would authorize the city of New Orleans to levy a local tax on short-term rentals.

Maryland [HB 884/Chapter 704](#) was enacted without the signature of the governor on May 25 and will take effect June 1. This act will require hosting platforms to collect and remit the sales and use tax on short-term rentals. It will also require hosting platforms to display any taxes and fees at the time of sale.

New Jersey [AB 4814](#) passed the Assembly on May 23 and was transmitted to the Senate, where it was referred to the Budget and Appropriations Committee. As passed the Assembly, 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](#), is also pending in the Senate Budget and Appropriations Committee.

Electronic and Remote Notarization

Nebraska [LB 186](#) passed the Senate on May 24 and is awaiting enrollment and transmission to Republican Gov. Pete Ricketts. This bill would authorize online notarizations in the state and set forth standards for such notarizations.

Transfer Taxes

New York [SB 6232](#) was introduced on May 24 by Sen. Rachel May, D-Syracuse, and referred to the Senate Investigations and Government Operations Committee. This bill would authorize a 0.3 percent real estate transfer tax on all such transfers in Onondaga County.

Session Overview

Alabama, California, Connecticut, Delaware, Illinois, Louisiana, Maine, Massachusetts, Michigan, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island 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.

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.

Missouri reconvened for a technical session on May 29.

The **Minnesota** legislature adjourned their special session on May 25 after passing a \$48.3 billion budget, reports the [MinnPost](#).

The following states adjourned their 2019 legislative sessions on the dates provided: **Vermont** (May 24) and **Arizona** and **Texas** (May 27).

The following states are scheduled to adjourn on the dates provided: **Illinois** and **Oklahoma** (May 31); **Nevada** (June 3); **Connecticut** (June 5) and **Louisiana** and **Nebraska** (June 6).

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. **Arizona** Republican Gov. Doug Ducey has until June 7 to act on legislation presented on or after May 22 or it becomes law without signature. **Texas** Republican Gov. Greg Abbott has until June 16 to act on legislation 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. **Missouri** Republican Gov. Mike Parson has until July 14 to act on legislation 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** DFL 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. **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. **Vermont** Republican Gov. Phil Scott has five days from presentment, Sundays excepted, to act on legislation presented after May 21 or it is pocket vetoed.

Iowa Republican Gov. Kim Reynolds had a signing deadline on May 27. **Maryland** Republican Gov. Larry Hogan had a signing deadline on May 28.

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

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).