

REALTOR® Party State Legislative Monitor Weekly Report June 6, 2019

Affordable Housing

District of Columbia [B23-0308](#) was introduced on May 28 by Councilmember Brianne Nadeau, D-Ward 1, and referred to the Facilities and Procurement, and Business and Economic Development committees. This bill would establish a Department of Zoning, Planning and Development in the city, to be tasked with providing council on how to maximize the amount of affordable housing and affordability in residential developments.

Minnesota [SF 1/Chapter 1](#), an omnibus agriculture, rural development and housing finance bill, was signed by Democratic Gov. Tim Walz on May 30 and took effect May 31. This act authorizes grants to cities and tribal governments under the workforce and affordable homeownership development program. It also contains numerous provisions relating to manufactured housing. A full summary of the provisions of the bill can be found [here](#).

Nebraska [LB 86](#) was signed by Republican Gov. Pete Ricketts on May 30 and will take effect September 1. This act will 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."

New Jersey [SB 3868](#) was introduced on June 3 by Sen. Brian Stack, D-Jersey City, and referred to the Senate Community and Urban Affairs Committee. This bill would authorize qualified municipalities to prohibit the conversion of affordable rental housing units to forms of ownership housing.

Oregon [HB 2001](#) is scheduled for a June 11 hearing in the Joint Ways and Means Subcommittee on Transportation and Economic Development. 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](#) is scheduled for a June 10 hearing in the Joint Ways and Means Subcommittee on Transportation and Economic Development. 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.

Oregon [HB 2056](#) passed the Joint Ways and Means Subcommittee on Transportation and Economic Development on June 5 and was referred to the full committee for consideration. This bill would create a new grant program within Oregon Housing and Community Services to finance the expansion of the state's affordable housing supply.

Growth Management

California [AB 587](#) passed the Senate Housing Committee on June 4 and was subsequently referred to the Senate Governance and Finance 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.

California [AB 670](#) passed the Senate Housing Committee on June 4 and was subsequently referred to the Senate Judiciary 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.

California [AB 1279](#) passed the Assembly on May 29 and was transmitted to the Senate, where it was referred to the Rules Committee. 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 [SB 50](#) passed a second reading on June 4 and was then referred to the Senate Appropriations 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 on May 29 and was transmitted to the Assembly, where it is awaiting committee referral. 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.

Home Buying Programs

First-Time Home Buyer Savings Account

Ohio [SB 139](#) was heard in the Senate Ways and Means Committee on June 4, 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 320](#) passed the House on June 5 and was returned to the Senate for concurrence. This bill would specify that real estate closing parties must be represented by a Connecticut-based attorney.

Emotional Support Animals

Alabama [SB 10](#) was presented to Republican Gov. Kay Ivey on May 30. Governor Ivey has a deadline of June 9 to take action on this bill or it will be pocket vetoed. 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.

Illinois [HB 3671](#) passed the legislature on May 30 and is now awaiting enrollment and transmission to Democratic Gov. J.B. Pritzker, who upon receipt will have 60 days to take action on the bill. 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/Chapter 219](#) was signed by Democratic Gov. Steve Sisolak on May 30 and will take effect January 1, 2020. This act will authorize a tenant of housing acquired, constructed or rehabilitated through the state's affordable housing trust fund to keep a pet within their residence.

New York [SB 6172](#) advanced to a third reading in the Senate on June 3. This bill would prohibit discrimination against persons with disabilities using a service animal in housing accommodations. An identical companion bill, [AB 7331](#), is awaiting a third reading in the Assembly.

Rhode Island [HB 5299](#) was heard in the Senate Health and Human Services Committee on June 4, however the committee retained the bill for further consideration. 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. A similar bill, [SB 308](#), was also heard in the committee on that date and retained by the committee.

Real Estate License Law

Arkansas [HB 1703](#) was heard in a joint hearing of the House and Senate Insurance and Commerce committees on June 4, however the committees did not take action on the bill. 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.

Delaware [SB 118](#) was introduced on June 5 by Sen. Darius Brown, D-Wilmington, and is awaiting committee referral. This bill would reduce the waiting period required for an individual who has been convicted of a felony to obtain a real estate license.

Louisiana [HB 299/Act 110](#) was signed by Democratic Gov. John Bel Edwards on June 4 and will take effect on August 1. This act will 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](#) was presented to Republican Gov. Mike Parson on May 29. Governor Parson has a deadline of July 14 to take action on this bill or it will become law without his signature. 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.

Nevada [SB 230](#) was presented to Democratic Gov. Steve Sisolak on May 30. Governor Sisolak has a deadline of June 14 to take action on this bill or it will become law without his signature. 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.

Pennsylvania [HB 1572](#) was introduced on June 4 by Rep. Todd Polinchock, R-Chalfont, and referred to the House Professional Licensure Committee. This bill would regulate the practice of real estate teams, when two or more licensees, employed by the same broker, work together to provide services and advertise.

Seller Disclosures

Connecticut [SB 1010](#) passed the Senate on May 30 and is now awaiting consideration in the House. This bill would require sellers of real property to disclose whether there is a dam or similar structure on the property.

Maine [LD 96](#) passed the legislature on June 4 and is awaiting enrollment and transmission to Democratic Gov. Janet Mills, who upon receipt will have 10 days to take action on the bill. This bill would require sellers of residential real property to disclose whether the property has been used for the manufacture of methamphetamine.

Massachusetts [HB 1872](#) is scheduled for a June 11 hearing in the Joint Public Health Committee. This bill would require the disclosure of any lead in plumbing and piping, including water service lines. A similar bill, [SB 1284](#), is also scheduled to be heard in the same hearing.

Rhode Island [SB 479](#) passed the Senate Judiciary Committee on June 4 and is now awaiting consideration before the Senate on June 11. This bill would require sellers of real estate to provide buyers with a disclosure of the annual building energy cost estimate as provided by an approved energy rater. It would also impose a duty on sellers of real estate to conduct inspections on the condition of the property.

Rhode Island [SB 607](#) was heard in the Senate Judiciary Committee on June 4, however the committee retained the bill for further consideration. This bill would require sellers of real estate to provide detailed information to prospective buyers on the need and cost for flood insurance on the property.

Rent Control

California [AB 1399](#) was transmitted to the Senate on May 29 and 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.

California [AB 1482](#) passed the Assembly on May 29 and was transmitted to the Senate, where it was referred to the Rules Committee. 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 [AB 8051](#) was introduced on May 31 by Asm. Harvey Epstein, D-Manhattan, and referred to the Assembly Cities Committee. This bill would establish commercial rent regulation in New York City, and would also create a right to renew leases, and would authorize the rent guidelines board to establish maximum rents for commercial properties.

Local Short-Term Rental

Louisiana [HB 43](#) was presented to Democratic Gov. John Bel Edwards on June 2. Governor Edwards has a deadline of June 22 to take action on this bill or it will become law without his signature. This bill would authorize the city of New Orleans to levy a local tax on short-term rentals.

Electronic and Remote Notarization

Nebraska [LB 186](#) was signed by Republican Gov. Pete Ricketts on May 30 and took effect immediately. This act authorizes online notarizations in the state and set forth standards for such notarizations.

Transfer Taxes

Connecticut [HB 7424](#), the state's budget bill, passed the Senate with amendments on June 4 and is now awaiting concurrence in the House. As passed the Senate, this bill contains provisions that would establish a new real estate conveyance tax rate for sales of residential property in excess of \$2.5 million. It would also exempt from the conveyance tax the transfer of certain types of property with crumbling foundations. A detailed analysis of the bill can be found [here](#).

New Hampshire [HB 600](#) was enrolled on May 31 and is awaiting transmission to Republican Gov. Chris Sununu, who upon receipt will have five days to take action on the bill or it will become law without his signature. This bill would exempt transfers of interest in property by a New Hampshire investment trust from the state's real estate transfer tax.

Session Overview

California, Delaware, Louisiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, 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 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: **Alabama**, **Nebraska** and **Oklahoma** (May 31); **Illinois** (June 2); **Nevada** (June 3) and **Connecticut** (June 5).

The following states are scheduled to adjourn on the dates provided: **Louisiana** (June 6) and **Maine** (June 19).

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. **Alabama** Republican Gov. Kay Ivey has until June 10 to act on legislation or it is pocket vetoed. **Nevada** Democratic Gov. Steve Sisolak has until June 14 to act on legislation presented on or after May 29 or it becomes law without signature. **Oklahoma** Republican Gov. Kevin Stitt has until June 15 to act on legislation or it is pocket vetoed. **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. **Connecticut** Democratic Gov. Ned Lamont has 15 days from presentment to act on legislation 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. **Illinois** Democratic Gov. J.B. Pritzker has 60 days from presentment to act on legislation 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. **Nebraska** Republican Gov. Pete Ricketts has five days, Sundays excepted, 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 or it becomes law without signature.

Colorado Democratic Gov. Jared Polis had a signing deadline on June 2.

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

California held special elections on June 4 for Senate districts 1 and 33. Senate District 1 became vacant when Sen. Ted Gaines, R-Sacramento, was elected to represent District 1 of the California State Board of Equalization. Brian Dahle, R-Redding, defeated Kevin Kiley, R-Rocklin, by capturing 53 percent of the vote. Unofficial election results can be found [here](#).

District 33 became vacant when Sen. Ricardo Lara, D-Bell Gardens, was elected to serve as the California Insurance Commissioner. Lena Gonzalez, D-Long Beach, defeated Jack Guerrero, R-Los Angeles, by receiving 69 percent of the vote. Unofficial election results can be found [here](#).

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