

## REALTOR® Party State Legislative Monitor Weekly Report September 5, 2019

### Affordable Housing

**California** [AB 430](#) passed the Senate on September 3 and was returned to the Assembly for concurrence. As passed the Senate, this bill would waive required environmental reviews for residential and mixed-use developments in specified areas of Butte and Glenn counties.

**California** [AB 1290](#) passed a second reading in the Senate on August 28 and is now awaiting a third reading in that chamber. As passed second reading, this bill would direct the California Housing Finance Agency to convene a stakeholder group to identify actions that can be taken to streamline the application process for housing finance programs, no later than June 30, 2021.

**California** [AB 1483](#) passed a second reading in the Senate on September 4 and is now waiting a third reading in that chamber. This bill would require cities and counties to collect and provide annual housing reports to the state, comprised of data relating to housing development projects, and to make this information publicly available on the city or county's website.

**California** [AB 1763](#) passed the Senate on September 3 and was returned to the Assembly, where it is awaiting concurrence. 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.

**Massachusetts** [HB 1769](#) is scheduled for a September 10 hearing in the Joint Municipalities and Regional Government Committee. This bill would authorize municipalities to create a local option fee between 0.5 and two percent on certain real estate transactions.

**Massachusetts** [SB 87](#) is scheduled for a September 25 hearing in the Joint Community Development and Small Business Committee. This bill would create "Community Housing Packages" throughout the state's municipalities, which would be tasked with expanding the availability of affordable-housing throughout the state.

### Growth Management

**California** [AB 68](#) passed the Senate Appropriations Committee on August 30 and was ordered to a third reading in that chamber. This bill would require local agencies to, in areas zoned for housing, approve building permits for the construction of accessory dwelling units.

**California [AB 69](#)** also passed the Senate Appropriations Committee on August 30 and was ordered to a third reading. This bill would require the Department of Housing and Community Development to propose standards for accessory dwelling units and homes smaller than 800 square feet.

**California [AB 670/Chapter 128](#)** was signed by Democratic Gov. Gavin Newsom on August 30 and will take effect January 1, 2020. This act will make provisions in a common interest development's governing document void and unenforceable if the provisions prohibit the construction of accessory dwelling units or junior accessory dwelling units.

**California [AB 671](#)** passed the Senate Appropriations Committee on August 30 and was ordered to a third reading. 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.

**California [AB 881](#)** passed the Senate Appropriations Committee on August 30 and was ordered to a third reading. 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 1783](#)** passed a second reading in the Senate on September 3 and was referred to a third reading in that chamber. This bill would create a streamlined approval process for housing for agricultural workers.

Two **California** bills passed a second reading in the Assembly on September 3 and were ordered to a third reading:

- **[SB 5](#)**, which would authorize local governments to establish an Affordable Housing Authority to fund affordable housing.
- **[SB 13](#)**, which would make changes to how municipalities may regulate accessory dwelling units, including reducing or eliminating municipal fees on such units.

**California [SB 330](#)** passed the Assembly Appropriations Committee on August 30 and was ordered to a third reading in that chamber. 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.

**California [SB 592](#)** passed the Senate Appropriations Committee on August 28 and was referred to a third reading. This bill would extend portions of the Housing Accountability Act to accessory dwelling units by limiting the ability of local zoning agencies from disapproving the construction of accessory dwelling units and classifying such units as housing development projects.

**Massachusetts [HB 187](#)** is scheduled for a September 25 hearing in the Joint Community Development and Small Business Committee. This bill would require local zoning ordinances to permit multifamily development in one or more zoning districts that comprise no less than 1.5 percent of the developable area in a city or town.

## Emotional Support Animals

**Michigan** [HB 4910](#) was introduced on September 3 by Rep. Matt Hall, D-Detroit, and referred to the House Regulatory Reform Committee. This bill would prohibit the misrepresentation of animals as emotional support animals.

**Michigan** [HB 4911](#) was introduced on September 3 by Rep. Sara Cambensy, D-Marquette, and referred to the House Regulatory Reform Committee. This bill would authorize the termination of a tenant's lease for the misrepresentation of an emotional support animal.

## Local Short-Term Rental

**California** [AB 1497](#) passed the Senate on September 3 and was returned to the Assembly for concurrence. This bill would prohibit hosts of short-term rentals from discriminating on the basis of race, color, religion, sex, gender, gender identity or expression, sexual orientation, marital status, nationality, ancestry, familial status source of income, disability or genetic information.

**Michigan** [HB 4563](#) was introduced on August 29 by Rep. Joe Tate, D-Detroit, and referred to the House Commerce and Tourism Committee. This bill would specify that a short-term rental that is rented out for 14 days or less in a calendar year constitutes a residential use of property and is permitted in all residential zones.

## Rent Control

**California** [AB 1399](#) passed the Senate on September 3 and was returned to the Assembly, where it is awaiting concurrence. As passed the Senate, this bill would 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 Senate Appropriations Committee on August 30 and was subsequently referred to the Senate 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. 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.

## Session Overview

**California, Massachusetts, Michigan, New Jersey, North Carolina, Ohio and Wisconsin** are in regular session. **Puerto Rico** is also in regular session.

The **United States** Congress is in recess until September 9. The **District of Columbia** Council is in recess until September 16. The **New Hampshire** House is in recess until September 18; the Senate is scheduled to return on September 19. **Pennsylvania** is in recess until September 23. **New York** is in recess subject to the call of the chair.

**California** is scheduled to adjourn its legislative session on September 13.

**North Carolina's** legislative session continues on with no clear adjournment date as lawmakers and Democratic Gov. Roy Cooper continue to wrestle over piecemeal budget compromises and Medicaid expansion. [The News and Observer](#) reports that both chambers plan on breaking for a week before returning September 9 to consider another round of 'mini' budgets.

**Missouri** Republican Gov. Mike Parson [announced](#) a limited, technical special session to take place on September 9, which will run into the veto session scheduled to begin on September 11. The session was called to address an inadvertent consequence of the state's tax law, which has been interpreted by the Missouri Supreme Court to restrict the number of vehicle trade-ins that can be used to calculate sales tax on a new vehicle, reports [Missourinet](#).

**Alaska** Republican Gov. Mike Dunleavy has 20 days from delivery, Sundays excepted, to act on legislation or it becomes law without signature. **Delaware** Democratic Gov. John Carney has 10 days, Sundays excepted, to act on legislation or it becomes law. **Illinois** Democratic Gov. J.B. Pritzker has 60 days from presentment to act on legislation or it becomes law without signature. **Maine** Democratic Gov. Janet Mills has three days after the convening of the next meeting of the legislature to act on legislation presented on or after June 8 or it becomes law without signature.

The following states are currently holding 2019 interim committee hearings: [Alabama](#), [Alaska](#), [Arizona](#), [Colorado](#), [Connecticut](#), [Delaware](#), [Florida House](#), [Georgia House](#) and [Senate](#), [Hawaii](#), [Idaho](#), [Illinois Senate](#), [Indiana](#), [Iowa](#), [Kansas](#), [Kentucky](#), [Louisiana](#), [Maine](#), [Maryland](#), [Mississippi House](#) and [Senate](#), [Missouri House](#) and [Senate](#), [Montana](#), [Nebraska](#), [Nevada](#), [New Hampshire House](#) and [Senate](#), [New Mexico](#), [New York Assembly](#) and [Senate](#), [North Dakota](#), [Oklahoma House](#) and [Senate](#), [Rhode Island](#), [South Carolina House](#) and [Senate](#), [South Dakota](#), [Tennessee](#), [Texas House](#), [Utah](#), [Virginia](#), [Washington](#), [West Virginia](#) and [Wyoming](#).

The following states are currently posting 2019 bill drafts, profiles and interim studies: [Alabama House](#), [Arkansas](#), [Florida House](#) and [Senate](#), [Iowa](#), [Kentucky](#), [Nebraska](#), [Oklahoma House](#) and [Senate](#), [Oregon](#), [Tennessee](#), [Utah](#) and [West Virginia](#).

## Special Elections

The September 3 special election for **Georgia's** House District 71 seat is heading to an October 1 runoff as none of the four candidates received more than 50 percent of the vote. Two Republican candidates, Philip Singleton and Marcy Sakrison, will advance after finishing with 36.8 and 34.2 percent of the vote, respectively, reports the [Atlanta Journal-Constitution](#). Democratic candidate Jill Prouty finished with 22.1 percent of the vote and Republican candidate Nina Blackwelder with 6.9 percent. The seat became vacant after Rep. David Stover, R-Newnan, resigned in June.

Originally scheduled for November 5, **Arkansas's** House District 36 was filled on September 3 via special runoff for the Democratic nomination, as no Republican or Independent candidates filed to run for the seat, reports the [Arkansas Democrat Gazette](#). Unofficial results show community activist Denise Ennett won with 57.8 percent of the vote over businessman Darrell Stephens' 42.2 percent. The seat became

vacant when former House Minority Leader Rep. Charles Blake, D-Little Rock, stepped down in May to accept the chief of staff position in the Little Rock mayor's office.

The following seats will be filled by special elections on the dates provided: **Georgia** House District 71 and **South Carolina** House District 84 (October 1); **New Hampshire** House District 9 (October 8); **Alabama** House District 42, **California** Assembly District 1, **Kentucky** House District 63, **Missouri** House districts 22, 36, 74, 78, 99 and 158, **New Jersey** Senate District 1, **New York** Senate District 57, **Texas** House districts 28, 100 and 148, **Washington** Senate District 40 and House District 13-Position 2 (November 5); and **Alabama** House District 74 (November 12).