

REALTOR® Party State Legislative Monitor
Weekly Report
October 6, 2022

Our comprehensive briefing on [COVID-19 Remote Notarization Orders](#) outlines state action to allow remote notarization during the ongoing pandemic. This document is updated weekly. Updates this week include: *No updates.*

Affordable Housing

The following California bills were signed by Democratic Gov. Gavin Newsom on September 28 and will take effect January 1, 2023:

- [AB 682/Chapter 634](#) will require cities with a population greater than 400,000 to permit the construction of cohousing buildings in any zone where multifamily residential buildings are permitted.
- [AB 916/Chapter 635](#) will prohibit local governments from requiring hearings as a condition of adding space or bedrooms to existing houses, condominiums or dwellings. It will also authorize local governments to establish a height limit of 18 feet for accessory dwelling units on lots with existing multifamily or multistory dwellings.
- [AB 1654/Chapter 638](#) will increase low-income housing tax credits for farmworker housing and require the Department of Housing and Community Development to create a strategy to address farmworker housing needs.
- [AB 2011/Chapter 647](#) will create a ministerial, streamlined approval process for 100 percent affordable housing in commercially zoned areas and for mixed-income housing along commercial corridors.
- [AB 2221/Chapter 650](#) will prohibit municipalities from imposing setback requirements on accessory dwelling units and from imposing any objective planning standards on accessory dwelling units. It will also require permitting agencies to act on applications for accessory dwelling units within a certain timeframe and authorize detached accessory dwelling units to include a detached garage.
- [AB 2334/Chapter 653](#) will allow housing developments in urbanized, low vehicle traffic areas in 17 counties to receive added height and unlimited density, provided that at least 80 percent of the units are restricted to lower income households, and no more than 20 percent are restricted for moderate income households.
- [AB 2668/Chapter 658](#) will make several changes to [2017's SB 35](#), including changing the qualifications for affordable housing development bonuses, specifying that projects meeting the criteria of SB 35 should not be subject to discretionary approval, and making changes to approvals for housing developments and hazardous waste.
- [SB 6/Chapter 659](#), the "Neighborhood Homes Act," will authorize housing development projects within certain commercial zones where office and retail use is permitted.
- [SB 897/Chapter 664](#) will make numerous changes regarding accessory dwelling units, including increasing the maximum height limit to 25 feet, make changes to fire sprinkler requirements and establish requirements for junior accessory dwelling units.
- [AB 1551/Chapter 637](#) will reinstate the state's commercial development density bonus program, which expired on January 1, 2022, through January 1, 2028. The density bonus program gives a density bonus and other incentives to developers who propose a housing development on a commercial development site or a site near public amenities and major transit, with 30 percent of units reserved for low-income housing and 15 percent reserved for very low-income households.

New Jersey [SB 3116](#) was introduced by Sen. Joseph Cryan, D-Union, and referred to the Senate Community and Urban Affairs Committee on October 3. This bill would provide tax credits to developers for single family residential development projects that reserve 20 percent of the units for low- or moderate-income households.

Growth Management

California [AB 1445/Chapter 948](#) was signed by Democratic Gov. Gavin Newsom on September 30 and will take effect on January 1, 2025. This act will require local governments to consider including specific environmental factors in their regional housing need allocations, including evacuation route capacity, wildfire risk, sea level rise and other impacts caused by climate change.

California [AB 2653/Chapter 657](#) was signed by Democratic Gov. Gavin Newsom on September 28 and will take effect January 1, 2023. This act will authorize the Department of Housing and Community Development to reject the housing element portion of a municipalities annual progress report.

Overview

Michigan, New Jersey and Pennsylvania are in regular session. The District of Columbia Council and the U.S. Congress are also in session.

The following states are in recess until the dates provided: Ohio (November 16) and California (November 30).

North Carolina was scheduled to adjourn on July 1; however, the [adjournment resolution](#) calls for the regular session to reconvene for monthly mini sessions through December. The legislature completed the last day of their September session on September 22. The next session is scheduled for October 18.

The Oklahoma legislature adjourned their special session on September 29 after allocating almost \$2 billion of American Rescue Plan Funds to water infrastructure, broadband and mental health needs, reports [Public Radio Tulsa](#). In the [adjournment resolution](#), lawmakers gave themselves until October 14 to conclude this special session and may return anytime between now and then at the call of the chair.

The Missouri General Assembly wrapped up their special session on October 4, after the Senate approved a \$40 million package of incentives targeting rural economic projects, reports [The Missouri Independent](#).

Wisconsin Republican lawmakers gaveled in and out of special session on October 4, convening for only 15 seconds and swiftly rejecting Democratic Gov. Tony Evers call to repeal the state's controversial 1849 abortion ban, reports [WISN](#).

California Democratic Gov. Gavin Newsom had until September 30 to sign or veto legislation or it became law without signature.

Delaware Democratic Gov. John Carney has 10 days from presentment, Sundays excepted, to act on legislation or it becomes law without signature. New Hampshire Republican Gov. Chris Sununu has five days from presentment to act on legislation or it is pocket vetoed. New York Democratic Gov. Kathy Hochul has 10 days from presentment, Sundays excepted, to act on legislation or it becomes law without signature. North Carolina Democratic Gov. Roy Cooper has 10 days from presentment to act on legislation or it becomes law without signature.

Interim Committees/Prefiles

The following states are currently holding 2022 interim committee hearings: [Alabama](#), [Alaska](#), [Arizona](#), [Arkansas](#), [Colorado](#), [Connecticut](#), [Delaware](#), Florida [House](#) and [Senate](#), [Georgia](#), [Hawaii](#), [Idaho](#), Illinois [House](#) and [Senate](#), [Indiana](#), [Iowa](#), [Kansas](#), [Kentucky](#), [Louisiana](#), [Maine](#), [Maryland](#), [Massachusetts](#), [Minnesota](#), Mississippi [House](#) and [Senate](#), Missouri [House](#) and [Senate](#), [Montana](#), [Nebraska](#), [Nevada](#), New Hampshire [House](#) and [Senate](#), [New Mexico](#), [North Dakota](#), [Ohio](#), Oklahoma [House](#) and [Senate](#), [Oregon](#), [Rhode Island](#), South Carolina [House](#) and [Senate](#), [South Dakota](#), [Tennessee](#), Texas [House](#) and [Senate](#), [Utah](#), [Vermont](#), [Virginia](#), [Washington](#), [West Virginia](#), [Wisconsin](#) and [Wyoming](#).

The following states are currently posting 2023 bill drafts, prefiles and interim studies: [Florida](#), [Kentucky](#), [Massachusetts](#), [Montana](#), [Nevada](#), [New Hampshire](#), [North Dakota](#), [Utah](#), [Virginia](#), [West Virginia](#) and [Wyoming](#).