

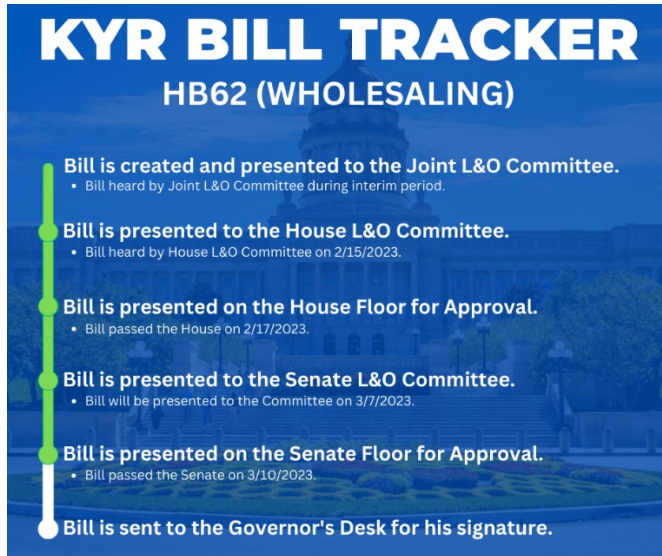


## Legislative Update 3.13.23

### House Bill 62 has now passed BOTH Chambers!

On Friday, March 10, House Bill 62 passed the Senate via the Senate Consent Calendar. This important measure now heads to the Governor's desk for his signature. We appreciate all of you for contacting your legislators throughout this session to voice your support for House Bill 62.

We would also like to thank KYR President Elizabeth Monarch for testifying on behalf of KYR during the Senate Licensing and Occupations Committee hearing, as well as Speaker Pro Tem and Bill Sponsor David Meade for his continuous support throughout this process.



The 2023 Legislative Session has only **6** legislative days remaining. The legislature still has quite a few topics remaining to take up before Sine Die. A few of the hot topics that you may be interested in are:

1. Tax Reform – Earlier this session, the General Assembly passed HB 1 – which lowers the state's personal income tax rate to from 5% to 4.5% in 2023 and from 4.5% to 4% in 2024. However, the General Assembly is also taking up [HB 360](#) – which clarifies some language at the request of the Department of Revenue on how the sales tax is applied to certain services covered under HB 8

from last session. HB 360 exempts marketing services from the sales tax and includes language allowing small businesses structured as pass through entities to deduct a greater share of the state and local taxes (SALT) from federal income tax liability.

2. Sports Wagering – [HB 551](#) would legalize sports betting in Kentucky on licensed websites and phone apps, as well as horse racing tracks and the Kentucky Speedway.
3. KEES Funds – Legislation ([SB54](#)) was introduced by Senator Jared Carpenter that will allow Kentucky Educational Excellence Scholarship (KEES) awardees to use their scholarship dollars at proprietary schools, provided the program falls within one of top 5 high-demand workforce sectors in Kentucky. This bill has now passed the House, but will need to go back to the Senate for concurrence. The QRT voted to support this legislation.

### QRT News

## [Link to KYR Bill Tracker](#)

### Supported Bills (10):

**HB62** (Meade, D) – This is the Real Estate Wholesaling legislation that KYR is running this session. Again, we are not seeking to ban or prohibit the practice of real estate wholesaling. We are asking that it be a licensed activity through the Kentucky Real Estate Commission.

**HB83** (Flannery, P) – To require judgement lien notices to contain the date of final judgement. Also, House Bill 309 (Mechanic’s and Materialman’s Liens) and Senate Bill 280 (Interests in Property) will be lumped into HB 83 to become one big bill. The QRT has voted to support HB 309 and SB280 as well.

**HB151** (Williams, W) – This bill will allow a person to qualify for licensure as a land surveyor if he or she has graduated from a two-year board approved program and has obtained a minimum of six years of progressive experience in land surveying, with four of those years under the direct supervision of a practicing land surveyor.

**HB293** (Herron, K) - this is a civil rights bill that would prohibit discrimination in certain housing, real estate, and other financial and transactions, to include sexual orientation and gender identity.

**HB309** (Dossett, M) - will establish a mechanism for protection for owners of leased property from liens arising from work performed through a contract with the lessee when the lessee is prohibited from entering into such an agreement by the lease.

**SB54** (Carpenter, J) – will allow proprietary schools and qualified proprietary school programs to use KEES funds for enrollment.

**SB86** (Thomas, R) - this legislation is intended to streamline the process of returning the title to descendants and helps restore family wealth, in the form of real property, and increasing taxable revenue for the county where it is located. It also substantially reduces attorney’s fees and filing costs in the county clerk’s offices. In 2022, NAR voted to support Heirs Property legislation.

**SB123** (Turner, J) - allow notaries to perform notarial acts in another state if the notarial act is performed in a civil action or legal proceeding originating in the Commonwealth.

**SB130** (Neal, G) – Same as HB293, this is a civil rights bill that would prohibit discrimination in certain housing, real estate, and other financial and transactions, to include sexual orientation and gender identity.

**SB280** (Howell, J) – Will establish that a conveyance or mortgage of real estate made in contravention of the statutory provisions regarding finality of a judicial determination is voidable instead of null and void.

### **Opposed Bills (11):**

**HB95** (Kulkarni, N) - This measure would specify the duties of a landlord with respect to abandoned personal property.

**HB128** (Kulkarni, N) - This legislation would apply the Uniform Residential Landlord and Tenant Act across the Commonwealth. The QRT feels this should be left up to the locals to implement, not a statewide mandate.

**HB215** (Smith, T) – This will remove the population requirement and the one percent occupational license fee rate limitation. Also, it will allow the crediting of city and county occupational license fees by agreement only.

**HB306** (Raymond, J) - will require landlords to have all rental property that he or she owns tested for radon by professional. The results of the test shall be provided to all tenants prior to entering into a lease agreement. These tests shall be completed once every five years after the initial test are conducted at the expense of the landlord.

**HB307** (Raymond, J) - will require a seller of residential property to conduct and pay for tests to determine lead content as a condition of sale. It will also add additional disclosures to the seller's disclosure form.

**HB339** (Willner, L) - will establish a quarterly installment payment program for real property taxes; allow for administrative fee up to 3%; and disallow 2% discount for early payment of taxes if taxes paid under quarterly installment payment program.

**HB342** (Kulkarni, N) - will provide automatic expungement of records and actions of forcible entry and detainer.

**HB413** (Stevenson, P) - will establish a refundable renter tax credit for taxable years beginning on or after January 1st, 2024, in the amount of 25% of qualified rent payments made during the taxable year, not to exceed \$1,000.

**HB437** (Swann, L) - will forbid housing discrimination based on an individual's source of income.

**HB583** (Grossberg, D) – would establish that any property that has been inhabited within the previous three years that is purchased at a master commissioner’s sale must be occupied or placed on the market for rent or sale within 18 months following the vesting of title in the purchaser. It would also establish a fine of \$100 per day payable to the local government for noncompliance.

**SB116** (Meredith, S) - would exempt any person conducting an online auction with a fixed price or timed listing from being required to be licensed as an auctioneer.

\*The QRT is also **Monitoring 43** other pieces of legislation.

You can expect to receive KYR's Legislative Update every Monday during the session. We will keep you informed of the bills KYR is tracking (what we consider priority legislation that is both positive and negative) and tell you when we need your voices to be heard by our legislators. As always, please contact Richard Wilson, KYR Governmental Affairs Director, at [rwilson@kyrealtors.com](mailto:rwilson@kyrealtors.com) if you have questions or need information regarding the Kentucky General Assembly.

## **2023 Moto for Government Affairs**

### **"FOCUS"**

**F – Fearless.** We are going to be fearless in our advocacy efforts. Your staff at KYR and your Government Affairs Committee (and QRT) will work fearlessly on your behalf to ensure the members of Kentucky REALTORS® are protected from harmful and burdensome regulation/legislation.

**O – Operation mindset.** KYR seeks constant improvement for our members. We will lead with the operational mindset of emphasizing the efficiency and importance of our membership and the consumer.

**C – Continuous communication.** Throughout the session and the interim period, we will strive to effectively communicate with our membership on all things related to your business in Frankfort.

**U – Universal commitment.** KYR is going to have a universal commitment to our members and affiliate partners.

**S – Steadfast.** We are going to be steadfast in enhancing the REALTOR® brand.

## **Upcoming Events**

**2023 NAR REALTORS® Legislative Meetings – May 6-11 in Washington, D.C.**

## **Helpful Links**

[2023 Legislative Calendar](#)

[2023 Legislative Session Bill Record](#)

[Find My Legislator](#)

[SPC Reporting Form](#)

