March 3, 2025

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Trump:

We are writing on behalf of the members of the National Multifamily Housing Council (NMHC) and the National Apartment Association (NAA) who represent the $3.9 trillion apartment industry and its more than 40 million residents. We applaud your efforts to overhaul the federal regulatory landscape and reduce costly regulations impacting American businesses of all types. Many federal regulations strayed from their intended purpose and, instead, have stifled innovation and hampered housing production when our nation faces a critical housing supply shortage.

Continued economic conditions pose a serious threat to housing providers' ability to leverage the private-market capital necessary to generate needed housing. Higher interest rates contribute to economic volatility, which is driving up the cost of building new housing, discouraging needed new investment, increasing the cost of rent and pushing some housing providers out of the market altogether. In addition to increased construction and labor costs that make development financially difficult, significant increases in insurance costs, sales and property taxes, payroll costs and other expenses have hampered our ability to deliver the housing America needs.

At a time when housing providers face increasing pressure to meet booming demand, an overly costly regulatory framework is challenging financers, developers and operators to maintain housing affordability. While many regulatory hurdles and costs, such as impact fees, continual environmental reviews and antiquated zoning processes, are within the purview of state and local policymakers, there are a wide array of existing federal regulations that contribute to making housing development and operation less feasible.

Given your great interest in removing regulatory barriers to development and growth, NMHC and NAA would like to highlight specific regulatory initiatives in this letter's appendix that have negatively impacted the provision of rental housing and should be reevaluated to align with your priorities and executive actions.

Thank you for the opportunity to share our views. We look forward to working with you and your Administration towards our shared housing goals. Please call upon us if we can serve as a resource to you in this regard.

Sincerely,

Sharon Wilson Géno
President
National Multifamily Housing Council

Robert Pinnegar
President & CEO
National Apartment Association

Copy to: Members of Congress
The Honorable Chris Wright, Secretary of Energy
The Honorable Kristi Noem, Secretary of Homeland Security
The Honorable Scott Turner, Secretary of Housing Urban and Development
EPA Administrator Lee Zeldin, Environmental Protection Agency
The Honorable Lori Chavez-DeRemer, Secretary of Labor Nominee
The Honorable Scott Bessent, Secretary of Treasury
Acting Director Naa Awaa Tagoe, Federal Housing Finance Agency
Chairman Brendan Carr, Federal Communications Commission
Chairman Andrew N. Ferguson, Federal Trade Commission
Commissioner Paul Atkins, Securities Exchange Commission
The Honorable JD Vance, Vice President
The Honorable Kevin Hassett, National Economic Council
The Honorable Russell T. Vought, Director, Office of Management and Budget

Appendix
NMHC/NAA Regulatory Relief Priorities by Agency

DEPARTMENT OF ENERGY

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Appliance Efficiency Standards	Between December 2021 and January 2024, DOE issued a series of rulemakings changing the performance standards for essential residential appliances and equipment that have prompted concern from the housing industry - including new rules for furnaces, water heaters, refrigerators, cooking products, clothes washers and more. We have urged DOE to consider the collective impacts of these rulemakings and recognize that the effect of even relatively modest, individual pricing increases are magnified when housing providers are forced to manage cost escalations across multiple product classes at once. We have also raised the importance of preserving product choice and ensuring there's flexibility to select those appliances that reflect the unique characteristics and wide array of multifamily building types. While DOE has oft stated that its intention is not to preclude the use of gas-fueled products, several of these rulemakings nevertheless promote building electrification and heavily steer buyers towards electric equipment. DOE should review these standards and the appliance efficiency program broadly to ensure new requirements protect housing affordability, enable critically needed new housing production and preserve product choice.
Building Energy Codes and Performance Standards	DOE has expanded efforts to enact specific building energy codes and building performance standards to promote climate change goals. While cost-effective and technically feasible codes and standards are essential construction tools, federal policies that create expansive, new energy and zero emissions requirements for buildings will unnecessarily slow home construction and increase housing costs. DOE should ensure states and localities can enact building performance requirements that address their unique market conditions and DOE should avoid grants and other incentives that attach specific, one-size-fits-all energy code, electrification, or emissions requirements to funding opportunities.

DEPARTMENT OF HOMELAND SECURITY

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Withdraw and Narrow Scope of the CISA Notice of Proposed Rulemaking for the Cybersecurity Incident Reporting for Critical Infrastructure Act (CIRCIA)	CISA announced a proposed rule in April 2024 regarding reporting requirements set forth in the Cyber Incident Reporting for Critical Infrastructure Act (CIRCIA). While a unified regulatory framework for data security and incident notification is needed to address the existing patchwork of local, state and federal compliance requirements, the proposed rule has a broad definition of "covered cyber incident" that would increase the administrative cost and decrease regulatory clarity for rental housing providers. CISA should withdraw and narrow the scope of this rule.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Eliminate any ambiguity that the federal CARES Act 30-day notice requirement ended in 2020.	HUD's General Counsel must issue a legal opinion clarifying that the CARES Act 30-day notice requirement is no longer in effect for covered properties, restoring eviction policy to the states. This issue remains a contested issue in eviction courts today and results in increased financial risk for housing providers and renters alike.
Withdraw 30-Day Notification Requirement Prior to Termination of Lease for Nonpayment of Rent (Docket No. FR-6387-F-02)	This rule makes the flawed CARES Act eviction notice requirement permanent for some HUD-assisted housing, setting a dangerous precedent for federal interference into states' authority. HUD should rescind this rule to prevent undue financial strain on housing providers and protect HUD-assisted renters who become increasingly unable to repay mounting rent debt as a consequence of this policy. HUD should withdraw this rule through the administrative process and announce the notice of withdraw through publication in both the Federal Register and on its website. Additionally, we urge you to sign any Congressional Review Act resolution approved by Congress nullifying this regulation.
Withdraw Draft Notice on Solar, Cell Tower and Rooftop Leases (Drafting Table)	While a rental housing owner's interests are very closely aligned with the objectives put forward in this draft Notice, the HUD language outlined would impede negotiations where rental housing providers need further precision and specificity in certain rooftop leases. There is significant concern that if the HUD terminology comes to be treated as the default language, owners may not be able to protect themselves as well as they can today. NMHC and NAA urge HUD not to move forward with issuing final notice, which allows HUD to interfere with solar, cell tower and rooftop lease contracts.
Review and Reform Rules and Regulations Pertaining to the Section 8Housing Choice Voucher Program (HCV)	The HCV program's success is hindered by costly program requirements that add unnecessary roadblocks to leasing and tenancy. Inconsistent program management by more than 2,000 public housing agencies (PHAs) across the U.S. that administer the program is also a major factor. Challenges include, but are not limited to, the following: · Rents and rent increases that often do not keep pace with market rates. · Payment delays, inconsistent disbursements and sometimes arbitrary withholdings. · Ongoing inspections-related challenges that result in holding rental units unoccupied. Collectively, these make it more expensive for a private owner to rent to a Section 8 voucher holder and discourage participation in the program.

	Specific reforms that would help reduce costs and improve efficiency include: · Dedicated landlord liaisons. · Housing provider risk mitigation funds. · Housing provider incentives (including leasing incentives, security deposit grants, holding deposits, vacancy loss payments, application fee and utility deposit assistance). · Streamlining inspections (i.e. giving housing providers credit for qualifying federal inspections, certainty of move-in inspections within 1-2 business days, pre-inspection of vacant units, biennial inspections cycle). · Committing to housing assistance payments within 18 days during tenancy approval process. HUD should also consider a national pilot program, which transitions the housing assistance payment system to an electronic benefits transfer; this would reduce complexity in the current payment distribution process and enable HCV recipients to have more housing choice. **HUD should perform a thorough review of the HCVVC program with a focus aimed at removing the barriers and hurdles and incentivizing greater private sector participation.**
Withdraw Floodplain Management and Protection of Wetlands; Minimum Property Standards for Flood Hazard Exposure; Building to the Federal Flood Risk Management Standard (Docket No. FR-6272-P-01)	HUD's final rule on strengthening floodplain management and wetlands protection will impose substantial compliance costs on property owners, with limited data on actual risk reduction benefits. HUD should withdraw this rule through the administrative process, which will include publication in the Federal Register and the reopening of the required notice and comment period for legislative rulemaking. Additionally, HUD should announce the notice of withdraw of the rule through publication on its website.
Review Current Rules, Notices and Guidance pertaining to Criminal Screening	HUD should review the current regulations, guidance and notices to ensure that housing providers can effectively use screening policies and procedures to mitigate against foreseeable risks to their residents, employees and rental communities.
Strengthen HUD's Notice FHEO-2020-01: Assessing a Person's Request to Have an Animal as a Reasonable Accommodation Under the Fair Housing Act	In January 2020, the Trump Administration issued guidance on handling assistance animal accommodation requests under the Fair Housing Act (FHA). Yet, fraudulent reasonable accommodation requests for assistance animals, namely emotional support animals—remain a top concern for apartment owners and operators. Despite the Administration's best efforts to tackle this issue, the volume of fraudulent requests continues to inflate housing providers' compliance costs and their administrative requirements to process requests timely in accordance with fair housing laws. The inability to apply community rules and policies to residents' support animals also has resulted in greater risks to renters and rental communities. NMHC and NAA urge HUD to strengthen important guardrails in Trump 1.0 policy to reduce persisting compliance challenges for industry and risks to renter

	communities.
Withdraw HUD guidance documents on the use of AI in tenant screening and housing advertisements	In April 2024, HUD issued guidance documents on the use of AI in tenant screening and housing advertisements, emphasizing compliance with the FHA. AI tools help housing providers improve efficiency, reduce bias and detect fraud, yet the new guidance may unduly restrict their use. HUD should rescind this guidance to allow responsible AI adoption in housing operations.
Withdraw HOME Investment Partnerships Program: Program Updates and Streamlining (Docket No. FR-6144-P-01)	While this final rule includes several needed reforms, such as reduced inspection frequency, revised utility allowances treatment, relaxed affordability restrictions and improved treatment of Community Housing Development Organizations (CHDOs), the rule imposed twenty-two additional landlord-tenant requirements including a 60-day notice of lease termination (30-days in the TBRA program) to the overall HOME program, which will deter landlord participation ultimately denying residents the aid they so urgently need. HUD should withdraw this rule to ensure that it does not conflict with existing state and local laws without statutory authority.
Withdraw energy efficiency standards for covered multifamily construction and rehabilitation projects financed through HUD	On April 2024, HUD and the U.S. Department of Agriculture (USDA) issued a final determination adopting the 2021 International Energy Conservation Code (IECC) and ASHRAE 90.1-2019 as minimum energy standards for new multifamily construction and rehabilitation projects financed by these agencies. These overly ambitious and aggressive climate goals sometimes force housing providers to meet code standards that are not required in the vast majority of states nationwide. The results are significant compliance costs or lack of participation in these important financing tools, meaning fewer quality, affordable housing options for renters. HUD should rescind these standards, which place excessive costs on HUD-assisted and Federal Housing Administration-insured covered housing. NAA recommends that HUD instead support voluntary programs that incentivize energy efficiency without imposing undue costs.
Exempt Multifamily Housing Projects From Build America, Buy America Act (BABA): Request for Information Regarding Iron, Steel, Construction Materials and Manufactured Products Used in Housing Programs Pursuant to the Build America, Buy America Act (RFI)	BABA establishes a domestic content procurement preference for all federal financial assistance (FFA) used to finance infrastructure projects, including real estate. This requirement, called the Buy America Preference (BAP), adds cost to the construction of multifamily housing in this challenged environment. The main agency impacted by BABA for housing is HUD, particularly the HOME Investment Partnerships Program (HOME). HUD issued the HOME requirement in August 2024. HUD should issue a new directive exempting multifamily housing projects from BABA and HUD should not move forward with proposing a rule or take any other additional action in response to the RFI.

Rescind and replace Affirmatively Furthering Fair Housing Rule	Affirmatively Furthering Fair Housing (AFFH) requires that "All executive departments and agencies administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of" the FHA. Revisions to the proposal have been promulgated by the Obama, Trump and Biden Administrations. HUD should rescind the Biden-era rule and replace with Trump 1.0 policy.
Reform and Streamline the Inspection Protocols and Procedures of the National Standards for the Physical Inspection of Real Estate (NSPIRE)	HUD is implementing its National Standards for the Physical Inspection of Real Estate (NSPIRE). This new set of standards is meant to replace and consolidate the two previously used for HUD housing programs: the Housing Quality Standards and the Uniform Physical Condition Standards. The NSPIRE standards were implemented in July 2023, with an extension for Section 8 housing compliance until October 1, 2025. HUD should review the standards and protocols in effect for multifamily and FHA-insured properties, focusing on results over process i.e. evaluate whether something does or does not work instead of how it works. Other suggested reforms include: · Correct for issue that smaller sites have disproportion opportunity to fail an inspection because point values are higher in smaller sites. · Housing providers should not lose points for tenant-caused damages, tenant behaviors that result in violations or tenant installed/supplied items, i.e. 2nd refrigerator, extra light fixture/fan, illegal locks/hasps. · NSPIRE's reporting system is not easily navigable and has many deficiencies that need correction, such as reports that do not clearly show units. · HUD should extend the October 1, 2025 effective date until 2027 to ensure all properties have had at least 1 full practice inspection.
Withdraw Notice "Changes to the Methodology Used for Calculating Section 8 Income Limits Under the United States Housing Act of 1931" (Docket No. FR-6436-N-01)	On April 1, 2024, the U.S. Department of Housing and Urban Development (HUD) changed how renter households' income limits are calculated to be eligible for Section 8 and other federally assisted housing programs, including housing financed by the low-income housing tax credit (LIHTC). The new absolute cap of 10 percent means not only that fewer low-income renters and families will be eligible to receive government support for housing, but also that LIHTC properties could be more deeply rent restricted because their **rent increases are tied to HUD's income limits**. HUD's methodology defines income limits for "low-income" and "very low-income" households per federal law. Prior to the April 1 change, HUD also maintained a year-over-year cap to restrict the amount that these income limits could increase or decrease at any one time: 5 percent or double the percent change in national median family income, whichever is greater. Now increases are subject to a maximum of 10 percent. This change imposes a form of rent control, a failed policy on affordable housing owners using LIHTC. HUD should withdraw this notice and reinstate the pre-April 2024 standard.
Rescind Obama/Biden policy and reinstate Trump	In 2013, HUD under the Obama Administration formalized a cost-shifting

1.0 Disparate Impact Rule	framework to assess claims where a neutral policy or practice disproportionately negatively affects protected classes under the FHA. Under the Trump Administration in 2020, HUD introduced more stringent requirements for plaintiffs and provided explicit defenses for housing providers to align with the Supreme Court's 2015 decision in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.* The Biden Administration reinstated the Obama rule therefore rescinding the 2020 rule. The apartment industry is committed to equal housing opportunity for all without regard to race, religion, color, sex, national origin, familial status, or disability. However, more clarity is needed on the applicability of disparate impact liability, as it could be used to undermine housing providers' community policies and practices which serve legitimate, nondiscriminatory interests. HUD should rescind the Obama/Biden policy and reinstate the Trump 2020 rule which includes important safeguards on disparate impact litigation.

DEPARTMENT OF LABOR, NATIONAL LABOR RELATIONS BOARD & OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Repeal Final Rule Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees	On April 26, 2024, DOL issued its final rule altering the overtime regulations under the Fair Labor Standards Act. The final rule increases the number of employees eligible for overtime pay. We have weighed in with concerns about the proposal in May 2023 and endorsed legislation that would prohibit DOL from finalizing, implementing, or enforcing its proposed overtime rule. On November 15, the U.S. District Court for the Eastern District of Texas issued a ruling invalidating the entirety of DOL overtime final rule. DOL should withdraw this rule through the administrative process, which will include publication in the Federal Register and the reopening of the required notice and comment period for legislative rulemaking. Additionally, the agency should announce the notice of withdraw of the rule on its website. The Trump Administration should drop its appeal to the E.D. of Texas decision and not defend the rule in future litigation.
Repeal and Revise Current Davis-Bacon Rules	On August 23, 2023, the DOL published a final rule updating the wage setting provisions with the Davis-Bacon Act. These apply to federal and federally assisted apartment construction projects and could impact the ability to develop and rehabilitate these properties affordably. We are disappointed that DOL failed to adequately address the concerns we raised in our May 2022 joint comment letter with 10 other real estate organizations. By returning to the previously used (1935 to 1983) definition of prevailing wage, the final rule may further skew the prevailing wage determination by over relying on larger builders, who often use union negotiated wage rates. This could lead to an increase in the cost of developing and restoring affordable multifamily housing at a time when more is desperately needed. DOL should withdraw and revise this rule. through the administrative process, which will include publication in the Federal Register and the reopening of the required notice and comment period for legislative rulemaking. Additionally, the

	agency should announce the notice of withdraw of the rule through the The Trump Administration also should consider repealing DBA prevailing wage requirements entirely on federally funded or assisted housing projects.
Repeal Final Rule Updating the Standard for Determining Joint Employer Status	On October 26, 2023, the National Labor Relations Board (NLRB) issued its final rule altering the standard for determining joint employer status under the National Labor Relations Act (NLRA). The rule replaces the NLRB's 2020 final rule, which had addressed the damaging standard adopted by the Obama-era NLRB in *Browning Ferris Industries (BFI)*. The final rule is very closely aligned with the NLRB's Notice of Proposed Rulemaking (NPRM) and represents a drastic expansion to joint employer status for purposes of the Act. DOL should withdraw and revise the rule to reinstate the 2020 rule with improvements.
Withdraw Notice of Proposed Rulemaking on "Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings" (Docket No. OSHA-2021-0009)	OSHA should withdraw its proposed rulemaking establishing a blanket national heat safety standard across industries. In NAA and NMHC's response to OSHA's request for public comment, we identified numerous operational and compliance considerations that demonstrated the proposed rule's overreach and inapplicability to the realities of the rental housing industry.

DEPARTMENT OF THE TREASURY

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Use CRA to Overturn Final Rules Targeting Partnership Related-Party Basis-Shifting Transactions	The Treasury Department and Internal Revenue Service on January 14 published final regulations (TD 10028) that require reporting of certain transactions by related parties in partnerships. The final regulations identify certain transactions involving positive basis adjustments exceeding $10 million for tax years after 2025 ($25 million for tax years before 2025) to which no corresponding tax is paid as so-called transactions of interest, which are reportable transactions. Compliance with these requirements is costly and difficult due to the long look-back period. Transactions must be reported on a going-forward basis too. Congress should use the Congressional Review Act process to overturn these regulations. Treasury and IRS should withdraw this rule through the administrative process, which will include publication in the Federal Register and the reopening of the required notice and comment period for legislative rulemaking. Additionally, the agencies should announce the notice of withdraw of the rule through the publication on its website.

Issue New Regulations to Override Domestically Controlled REIT Regulations	The Treasury Department and Internal Revenue Service last April 24 issued final regulations (TD 9992) on the definition of domestically controlled qualified investment entities. While the final regulations represent an improvement over the proposed regulations released in December 2022, NMHC and NAA continue to oppose the final regulations because they inhibit foreign investment in the multifamily industry at a time when all capital is necessary to address the housing supply crisis. Treasury and IRS should withdraw and revise this rule.
Withdraw Bank Capital Standards: Basel III Endgame	The banking regulators were proposing to have the US banking industry comply with the next stage of the international Basel banking regulations. Basel III endgame would go further than the regulation and potentially constrain capital from the largest banks in the US. Treasury and IRS should withdraw this rule.
Repeal Corporate Transparency Act: Beneficial Ownership Information Reporting Requirements	The Corporate Transparency Act (CTA) passed by Congress called for the establishment of a national approach to identifying illicit actors who hid behind shell companies and were difficult to trace and identify. The rollout by the Financial Crimes Enforcement Network, which is part of the Department of the Treasury, has been fraught with bad communication, unclear compliance requirements and a short time to comply**.** Treasury and IRS should extend the compliance deadline by at least one year pending review by the Trump Administration. Ultimately, this rule should be rescinded. The Administration also should consider forgoing defense of the rule in the litigation challenging these federal requirements.

ENVIROMENTAL PROTECTION AGENCY

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Delay Effective Date of Refrigerant Transition Rules	In December 2023, EPA issued an interim final rule on the "Phasedown of Hydrofluorocarbons: Technology Transitions Program Residential and Light Commercial Air Conditioning and Heat Pump Subsector," which was subsequently narrowly amended**.** As promulgated, the rule establishes a rapid transition timeline that raises significant cost and compliance concerns in the housing sector and fails to address unique constructability challenges faced by multifamily and existing buildings. EPA should delay the effective date of this rule for at least a year pending review by the Trump Administration and ultimately, withdraw the rule.

Rescind and Replace Reconsideration of the Dust-Lead Hazard Standards and Dust-Lead Post-Abatement Clearance Levels Final Rule (EPA-HQ-OPPT-2023-0231)	In October 2024, EPA released its final lead dust rule, which dramatically alters how dust hazards from lead-based paint are defined and remediated in covered rental housing. The final rule reduces the level of lead dust considered hazardous to "any reportable level as analyzed by any laboratory recognized by EPA's **National Lead Laboratory Accreditation Program** (NLLAP)" and substantially reduces the threshold for clearance post-abatement, increasing operational uncertainty for housing providers and confusion among renters and their families about potential lead hazards in their homes. EPA should rescind and replace this final rule, reinstating the pre-October 2024 standard which coupled the clearance and hazard standards. Without action, a property could test under the new clearance standard but above the new hazard standard, triggering **renter notification requirements** even after abatement was successfully performed.
Review and Revise Clean Water Act Jurisdictional Guidance	In September 2023, EPA released its final rule "Revised Definition of Waters of the United States; Conforming; Department of the Army, Corps of Engineers, Department of Defense and Environmental Protection Agency" as part of a long-term effort to define the agency's jurisdiction under the Clean Water Act (CWA). After the Rule was finalized, the Supreme Court narrowed the agency's authority under the CWA and the definition is subject to ongoing litigation. EPA should reconsider Waters of the U.S. (WOTUS) implementation efforts and revise guidance memos as needed to provide certainty for regulated stakeholders.

FEDERAL COMMUNICATIONS COMMISSION

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Replace and Reform the Affordable Connectivity Program (ACP) with a More Targeted and Efficient Broadband Affordability Program	Federal funding is necessary to overcome the challenge of broadband affordability for low-income households and any funding should also enable low-income renters to access the benefit in communities served by bulk internet and managed Wi-Fi solutions. The Affordable Connectivity Program (ACP) served as a critical subsidy for over 23 million families across the U.S., including millions of low-income renters. As of April 2024, ACP funds were depleted. To best serve the market, ACP should be replaced with a new funding mechanism that more efficiently addresses the needs of low-income Americans and the broader market, with special consideration for renters who are sometimes overlooked by broadband providers.
Officially Close the FCC Multi-Tenant Environment Competition Docket (Docket No: 17-142)	On February 15, 2022, the FCC issued a Report and Order and Declaratory Ruling (the "Order") under the title of "Improving Competitive Broadband Access to Multiple Tenant Environments ("MTEs")," to examine the terms of agreements between broadband providers and owners of residential, office and retail properties. The FCC has not closed the proceeding and leaves open the possibility of the FCC adopting additional rules governing the terms of contracts between broadband providers and property owners that work against our shared goal of boosting deployment and modernizing our broadband infrastructure.

	Docket 17-142 should be officially closed to ensure the market's continued success in deploying superior service to most apartments. This should be updated and put out for public notice on the FCC website.
Repeal or Dramatically Limit the Scope of the FCC's Digital Discrimination Order	As part of the Infrastructure Investment and Jobs Act, Congress required the FCC to initiate a rulemaking intended to define digital discrimination and enact rules to prevent it. In its final rule, the FCC includes property owners as a "covered entity," which would hold housing providers liable under the FCC's enforcement scheme if adequate broadband is not available to its renters. The FCC, for the first time, interpreted its regulatory authority to cover property owners in a similar way as broadband service providers in the Rule. This extension lacks legal authority and is a significant departure from the FCC's existing regulations and should be repealed or dramatically limited. The FCC should repeal or move to dramatically limit the Digital Discrimination Rule/Order to ensure property owners are not deemed "covered entities" under the FCC Rule. Housing providers are committed to equal opportunity in housing. Moreover, the Fair Housing Act already holds housing providers accountable for discrimination against renters in the provision of services or facilities in connection with renting.

FEDERAL HOUSING FINANCE AGENCY

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Eliminate any ambiguity that the federal CARES Act 30-day notice requirement ended in 2020.	FHFA's General Counsel must issue a legal opinion clarifying that the CARES Act 30-day notice requirement is no longer in effect for covered properties, restoring eviction policy to the states. This issue remains a contested issue in eviction courts today and results in increased financial risk for housing providers and renters alike.

Retract FHFA 's Three New Servicing Requirements	FHFA issued a directive imposing three new federally mandated landlord and tenant requirements on covered multifamily properties financed by Fannie Mae and Freddie Mac (the Enterprises). This directive would apply to rental properties with new loans through the Enterprises that are signed on or after the effective date and covered housing providers would be required to provide their residents with a 30-day notice for rent increases; 30-day notice for lease expirations; and five-day grace period for late fees. According to the policy grids issued by Fannie Mae and Freddie Mac, housing providers would have to notify their residents of the new protections and change all residential leases at these communities to include the new standards. In our comment letter to the Agency, NAA, NMHC and our coalition partners argued that required leasing compliance with this mandate does not serve the public interest. Required changes to millions of leases are unnecessary, given the layers of state and local requirements with which housing providers already comply. These laws and regulations already provide renters with robust protections. On February 26, FHFA issued a letter announcing a delay of the implementation of these new tenant notifications until May 31, 2025. We appreciate this delay and we urge FHFA to withdraw this directive permanently.
Withdraw Directive to the Enterprises to Consider Additional Federally-Mandated Landlord-Tenant Requirements	As part of the Biden White House Blueprint for a Renters Bill of Rights, FHFA and the Enterprises committed to continue to evaluate resident-centered practices that should be codified and enforced on housing providers with enterprise-backed rental communities. These practices were intended to shift a perceived imbalance of power between housing providers and renters, in favor of renters. Policy proposals under consideration included failed policies like rent control, a "source of income"-style mandate intended to require housing providers to participate in the Section 8 Housing Choice Voucher program and just cause eviction requirements that limit housing providers' rights to nonrenew at the end of a lease contract and would result in tenancies in perpetuity. FHFA should rescind this directive which allows the Agency to mandate multifamily policies through the Enterprises that go far beyond their mission to serve as a reliable source of liquidity and funding for housing finance throughout economic cycles and would conflict with States' established laws to protect both parties to leasing transactions.

Withdraw the 2025 Scorecard Requirements for the Enterprises to impose federally-mandated landlord-tenant requirements and enforce CARES Act: Thirty Days' Notice to Vacate.	In addition to the above, FHFA formalized its expectation that the Enterprise much "[e]nhance resident-centered practices, such as tenant protections, at Enterprise-backed multifamily properties" in its 2025 Scorecard. We strongly urge FHFA to eliminate this obligation for the Enterprises. In conversations with FHFA leaders, NAA and NMHC have urged the Agency to take a balanced approach to federal policymaking that weighs the needs of all stakeholders equally, as well as broader market considerations. FHFA and the Enterprise should not pursue failed rental housing policies like rent control, source of income mandates or just cause eviction requirements that jeopardize operational integrity of enterprise-backed communities and result in the opposite of intended public interest goals, i.e. reduce access to quality, affordable housing options for renters. The CARES Act "notice to vacate" requirement exceeds any existing notice procedures prior to an eviction filing. While required notice periods vary widely according to state and sometimes local law, the average notice is six days. Notice is just the first step to start the eviction court process. The CARES Act requirement more than quadruples the notice procedure in some jurisdictions, which translates into more lost rent while housing providers wait months, sometimes more than 1 year, for their day in eviction court. The rental housing industry cannot continue to successfully manage their communities with sustained losses of rental income that result from continued delays of legitimate evictions. FHFA must eliminate any ambiguity that this temporary, pandemic-era notice requirement ended in 2020.

FEDERAL TRADE COMMISSION

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Withdraw rental industry guidance via FTC's blog	Under the previous administration, the FTC regularly issued business guidance via the agency's blog, making it difficult for the rental housing industry to understand changes to their federal compliance responsibilities. Blog entries, such as *Price fixing by algorithm is still price fixing* and *Becoming a gold star property manager: Lessons from the FTC's case against Greystar*, circumvent the established rulemaking process under the Administrative Procedure Act and do not allow the public to comment as FTC imposed new standards. Using its blog, the FTC has reinterpreted or expanded its authority under existing laws; these business guidance entries must be withdrawn.

SECURITIES AND EXCHANGE COMMISSION

REGULATORY ACTIVITY	REGULATORY CHALLENGE FOR THE APARTMENT INDUSTRY
Withdraw Securities and Exchange Commission Climate Disclosure Rule	The SEC pursued and finalized a rule that would require all public companies to establish a reporting framework that would identify and analyze a set of climate-related impacts by and to the company. The rule was challenged in court and is subject to an injunction that continues today. **SEC should withdraw the rule which will include publication in the Federal Register and the reopening of the required notice and comment period for withdraw of the rule through publication on its website. The federal government should also not defend the litigation against the rule.**