

Advocacy Issues A to Z

Fall 2018

NAR's Advocacy staff is working on a number of "active/hot issues" affecting real estate markets and REALTORS®. Each issue explanation is followed by the staff experts working on that issue. Use the staff contact list at the end of the document if you would like more information.

Issue	Staff Expert
Affiliated Business 3% Cap - NAR supports a fix to Dodd/Frank rules on Qualified Mortgages (QM) that disadvantage small lenders over big banks.	Christie DeSanctis
Affordable Rental Housing - NAR supports legislative and regulatory proposals to remove disincentives that inhibit owner participation in the development of new rental housing or the preservation of existing safe and affordable rental housing.	Megan Booth
Alternative Credit Scores - NAR supports legislative and regulatory proposals that support alternative credit scoring models aimed at responsibly expanding mortgage credit for millions of hardworking families.	Ken Fears Vijay Yadlapati Christie DeSanctis
Alternative Valuation Methods - NAR is in discussion with legislators, regulatory agencies, and stakeholders on the increased use of data-based valuation methods and hybrid appraisal products. NAR supports innovation in the valuation field, but only if safety and soundness concerns are also addressed.	Sehar Siddiqi
ADA Reform - While NAR strongly supports the requirements of the Americans with Disability Act (ADA), NAR also supports legislation to curb abusive "drive-by" lawsuits that demand high payments or threaten legal action related to minor, often easily correctable infractions of the ADA.	Erin Stackley Fred Underwood
ADA Website Compliance - NAR supports clear website accessibility standards under the ADA, and has requested guidance from the Department of Justice on this issue to curb demand letters for alleged violations by businesses.	Christie DeSanctis Sarah Young
Appraiser Qualifications - NAR supports state-level adoption of revised national minimum requirements for trainee appraisers including more flexible education and work hour requirements.	Sehar Siddiqi
Appraiser Shortages - NAR is engaged with legislators, regulatory agencies, and stakeholders on addressing barriers and market conditions that hinder timely and accurate appraisals.	Sehar Siddiqi
Association Health Plans - NAR supports changes to underwriting and rating rules that address problems facing the self-employed and small employers. NAR also supports legislative and regulatory changes to allow bona fide trade associations to offer association health plans (AHPs) to their members.	Christie DeSanctis

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BASEL Capital Standards - NAR supports legislation that would clarify the definition of High Volatility Acquisition, Development & Construction loans (HVCRE ADC), and provide exceptions to the Rule.	Erin Stackley Ken Fears
Broadband Access - NAR supports a national broadband plan to ensure all communities have affordable access to a world-class communications infrastructure.	Melanie Wyne
Capital Gains Exclusion - NAR believes the capital gains exclusion for the sale of a home should be indexed for inflation.	Evan Liddiard
Commercial Real Estate Lending - NAR supports legislative and regulatory proposals to create a covered bond market in the U.S., and also to increase the lending cap for credit unions.	Erin Stackley
Competition - NAR asserts that the real estate market is vibrant, healthy and vigorously competitive. Technology innovation in the real estate industry is robust and listing data is available from multiple sources.	Melanie Wyne
Copyright - NAR supports the ability of MLS organizations to protect their intellectual property through the use of compilation copyrights.	Melanie Wyne
Condominium Lending - NAR supports legislative and regulatory proposals to ease restrictions on the purchase and sale of condominiums.	Megan Booth Sehar Siddiqi
Data Privacy - NAR recognizes the importance of protecting client data entrusted to them and supports common sense data privacy and security safeguards that are effective but do not unduly burden our members' ability to efficiently run their businesses.	Melanie Wyne
Deduction for Sole Proprietors and Owners of Pass-Through Businesses – NAR is working to identify areas where clarification is needed from Treasury and IRS to ensure that the 20% deduction included in the Tax Cuts and Jobs Act of 2017 is effective in providing the maximum benefit permissible under the law for real estate professionals.	Evan Liddiard
Depreciation - NAR supports shortening the 27.5- and 39-year cost recovery periods for real property.	Evan Liddiard
Drones - NAR supports efforts to create new federal regulations to allow for the future commercial use of unmanned aerial vehicle technology by the real estate industry.	Erin Stackley
Energy Efficiency 179D Tax Deduction - NAR supports the renewal of this tax credit, that allows commercial building owners who improve the building's energy-efficiency to receive a deduction.	Erin Stackley Evan Liddiard
Eminent Domain - Supports eminent domain authority only for a public use, as well as a broad interpretation of "just" compensation. NAR also supports states' rights governing eminent domain.	Russell Riggs

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Eminent Domain for Taking Mortgages - NAR opposes the use of eminent domain to take underwater mortgages.	Russell Riggs
Endangered Species Act (ESA) Reform - NAR supports reforms to the ESA that recognize economic impacts when designating endangered species and their habitats. Proposals must provide market-based incentives to encourage species protection, and compensate private property owners with their property's economic value declines.	Russell Riggs
Fair Housing (Sexual Orientation & Gender Identity) - NAR supports legislation to add sexual orientation and gender identity as protected classes under the Fair Housing Act. NAR has also included these categories in the Code of Ethics.	Fred Underwood
FHA Condo Rule - NAR is urging the U.S. Department of Housing and Urban Development (HUD) to publish the final Federal Housing Administration (FHA) condominium rule, which will ease current FHA restrictions on condo lending.	Sehar Siddiqi Megan Booth
FHA Lifetime Mortgage Insurance Premium - NAR urges FHA to remove the requirement that premiums be paid for the life of the loan, and instead return to the practice where these could be cancelled after the borrower has sufficient equity.	Sehar Siddiqi Megan Booth
Guarantee Fees - NAR is very concerned with the high G-fees charged by Fannie Mae and Freddie Mac, which have translated into huge profits for the entities, but high prices for consumers. NAR supports reasonableness when setting G-fees to avoid over charging tax-paying homeowners and a specific reduction in light of recent tax legislation.	Ken Fears Vijay Yadlapati Christie DeSanctis
Homelessness - NAR supports Veterans Affairs Supportive Housing (VASH) vouchers to ensure veterans have access to housing, and continuum of care programs that focus on housing first programs.	Megan Booth Sehar Siddiqi
Housing Counseling - NAR supports housing counseling programs that incentivize housing education.	Megan Booth Sehar Siddiqi Wendy Penn
Housing Finance Reform - NAR supports reforms to replace Fannie Mae and Freddie Mac with a non-shareholder owned government authority(s), in a way that ensures the mission of the GSEs continues to meet the needs of consumers and the taxpayer is protected. Such reforms must also encourage private capital's participation in the secondary mortgage market, and ensure that there is mortgage capital in all markets at all times and under all economic conditions, with the continued availability of the 30-year fixed rate mortgage.	Ken Fears Vijay Yadlapati Christie DeSanctis
Immigration - NAR supports reauthorization of the EB-5 visa program that encourages significant investment into US businesses and real estate in return for a path to citizenship.	Russell Riggs
Impact Fees - NAR opposes impact fees. Where impact fees exist, NAR urges their repeal. Impact fees should be used solely for capital improvements related to a specific new development.	Adriann Murawski

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<p>Independent Contractor Status - NAR strongly supports the continued right of brokers to choose whether to classify agents as employees or independent contractors; and supports actions at the state level to strengthen the rights of brokers to make these determinations and opposes efforts at the federal level to weaken those rights.</p>	<p>Christie DeSanctis Evan Liddiard</p>
<p>Internet Sales Tax Fairness - NAR supports legislation to level the sales tax playing field for all retailers - online and brick and mortar.</p>	<p>Erin Stackley Evan Liddiard</p>
<p>Lead Paint - NAR supports federal policies that reduce lead exposure risks in homes without costly and burdensome rules on property owners.</p>	<p>Russell Riggs</p>
<p>Marijuana Legalization – NAR does not have policy on the legalization of marijuana, but provides guidance to property owners/agents about issues to be aware of if state allows marijuana. Conflicts between federal and state law can create difficulties for all types of properties.</p>	<p>Megan Booth</p>
<p>Marketing Service Agreements - NAR encourages the Consumer Financial Protection Bureau (CFPB) to publish guidance that specifically rejects the contention that the marketing of settlement services is a mere referral, and ensures that real estate professionals can be paid for such marketing.</p>	<p>Christie DeSanctis</p>
<p>Money Laundering and Terrorism Financing - NAR supports continued efforts to combat money laundering and the financing of terrorism through a risk-based analysis approach, which would demonstrate little risk involving real estate agents or brokers. NAR supports the current rules requiring reporting of cash over \$10,000 and ensuring real estate professionals understand their responsibilities to prevent illegal activity without the imposition of burdensome or duplicative requirements.</p>	<p>Christie DeSanctis</p>
<p>Mortgage Debt Cancellation Relief - NAR supports legislation to provide a permanent provision for the exclusion from taxation of the phantom income generated when all or a portion of a mortgage on a primary residence is forgiven.</p>	<p>Evan Liddiard</p>
<p>Mortgage Disclosure Rule - NAR urges the CFPB to finalize the rule that allows for lenders’ flexibility in being able to reissue a Closing Disclosure (CD) to determine if a closing cost was disclosed in good faith, regardless of when the CD is provided relative to consummation.</p>	<p>Christie DeSanctis</p>
<p>Mortgage Interest Deduction - NAR supports indexing the \$750,000 maximum loan amount eligible for deducting mortgage interest for inflation.</p>	<p>Evan Liddiard</p>
<p>National Flood Insurance Program (NFIP) - NAR urges Congress to complete work on a long-term reauthorization and reform the NFIP, and urges FEMA to continue to update the flood maps. NAR also supports legislative efforts to provide access to a private flood market.</p>	<p>Austin Perez</p>
<p>Natural Disaster Policy - NAR support improving access to affordable property insurance for all natural disasters, as well as strengthening pre-disaster mitigation, preparation and planning to avoid post-disaster relief, response and recovery.</p>	<p>Austin Perez</p>

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Net Neutrality - NAR supports legislative and regulatory efforts to ensure that broadband providers adhere to net neutral practices including, no blocking, no throttling of data and no paid prioritization.	Melanie Wyne
PACE Loans - NAR supports legislative and regulatory proposals that require Property Assessed Clean Energy (PACE) loan terms to be fully disclosed to borrowers.	Russell Riggs
Patent Reform - NAR supports common sense patent litigation reform in an effort to protect our members from abusive patent trolls.	Melanie Wyne
Real Estate Transfer Taxes - NAR opposes real estate transfer taxes. Where transfer taxes currently exist, NAR urges their repeal and opposition to any increases. NAR urges the redirection of fees to be used for one-time capital acquisitions that are related to housing or commercial property improvements (e.g. infrastructure) and exemptions to transfer taxes for first-time homebuyers and for homebuyers from low- and moderate-income households.	Adriann Murawski
Rent Control - NAR urges states and localities to prohibit rent control/stabilization.	Adriann Murawski
Rural Housing Loans - NAR urges the Rural Housing Service to move forward with efforts to allow lenders to directly endorse RHS loans, in order to increase the availability of guaranteed loans.	Sehar Siddiqi Megan Booth
Sales Tax on Services - NAR opposes the application of state or local sales tax to rent, and to real estate services and other professional services, including real estate broker commissions, title searches, appraisals, home inspections, property management services, and any other services related to the real estate transaction.	Adriann Murawski
Service Animals - NAR urges HUD to provide further guidance regarding service and companion animals. Reasonability standards should be considered.	Fred Underwood Megan Booth
Short-term Worker Visas - NAR supports federal visa programs, such as the H2-B program, that allows foreign workers to work in the U.S. temporarily. NAR also supports reforms to these programs that addresses national security, employer and visa overstay concerns.	Russell Riggs
Sign Ordinances - REALTORS® have the right to advertise properties and use For Sale signs, and NAR opposes efforts to restrict such.	Adriann Murawski
State Licensing Boards - NAR is participating in a coalition that is closely monitoring an evolving discussion at the federal level on state license laws. There are two themes: (1) state license laws regulate too many occupations without a compelling reason for licensing, and (2) concerns that state license boards, especially those that include members of the profession regulated, can engage in anti-competitive and protectionist rulemaking.	Christie DeSanctis

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State and Local Tax Deduction - NAR supports legislative efforts to reinstate the full deductibility of state and local taxes. At a minimum, NAR urges legislators to index the current \$10,000 cap for state and local tax deductions to inflation and to remove the marriage penalty by increasing the deduction cap for joint returns to \$20,000, twice the amount of that for singles.	Evan Liddiard
Student Loan Debt - NAR supports federal policies to allow student borrowers to refinance into lower rates and to streamline income-based repayment programs.	Vijay Yadlapati
Terrorism Insurance – NAR supports and urges Congress to continue to authorize the federal terrorism risk insurance program.	Erin Stackley Austin Perez
Tort Reform - NAR supports legislative proposals to establish caps limiting noneconomic and punitive damage awards and standards for the assignment of certain class action lawsuits to federal court.	Christie DeSanctis
Transportation - NAR supports legislation that levels the playing field for funding highways versus transit and other modes. NAR urges Congress to pass legislation funding repairs and maintenance of existing transportation infrastructure.	Adriann Murawski
VA Home Loan Guaranty - NAR continues to work with the Department of Veterans Affairs to allow veterans to be on a level playing field with other buyers.	Megan Booth Sehar Siddiqi
Waters of the US (WOTUS) - NAR supports legislation and regulation to clearly define what “waters” are under the jurisdiction of the federal government.	Russell Riggs
Wildfires - NAR encourages active forest management practices that return the ecological benefits of fire to forested areas, bring balance to our nation's firefighting policies, and protect homes and communities in the wildland/urban interface.	Russell Riggs
X and Z - RESPA (Regulation X) TILA (Regulation Z) Harmonization (Know Before You Owe or TRID) - NAR supports a RESPA/TILA harmonization that adds transparency, simplifies disclosures, and reduces burdens to settlement service providers, including real estate professionals. NAR continues to work with the CFBP to ensure outstanding concerns with the rule are addressed.	Christie DeSanctis

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