



August 15, 2024

The Honorable David Schweikert
Chair
Tax Team on New Economy
House Committee on Ways & Means
Washington, DC 20515

The Honorable Beth Van Duyne
Vice Chair
Tax Team on New Economy
House Committee on Ways & Means
Washington, DC 20515

Dear Chairman Schweikert and Vice Chair Van Duyne:

On behalf of the 1.5 million members of the National Association of REALTORS®, I write to share our acute concern about the lack of availability and affordability of housing in our Nation and to recommend specific tax reform ideas to alleviate this plight that are within the purview of the Tax Team on New Economy.

Based on various studies, the United States faces a critical shortage of as many as 7 million homes. Over the past several years, America's supply problem has worsened, and housing has grown increasingly expensive and out of reach for more and more Americans. As champions serving at the front of the housing cause, REALTORS® can attest that most areas of the Nation are in a housing crisis.

According to NAR's most recent Housing Affordability Index, the ability of typical families to afford to purchase a median-price home has continued to decline throughout the Nation. The latest index, for May 2024, was 93.1, compared with 99.6 one year ago. An index below 100 means that a family with a median income had less than the income required to afford a median-priced home.

A June 2024 study by the Joint Center for Housing Studies of Harvard University concluded that the U.S. home price index is 47 percent higher than it was in 2020, with the median sales price of homes at about five times the median household income. In the rental market, meanwhile, rents are up 26 percent since 2020 and are rising in most markets. Also, the number of people experiencing homelessness reached a record high in 2023.

Obviously, there is no one simple "magic bullet" solution to our housing crisis. Rather, policymakers at the national, state, and local levels must pursue changes in different areas to increase the affordability and availability of homes. NAR believes Congress can begin to turn around the housing crisis by including in the Internal Revenue Code various measures designed to improve the supply of homes and facilitate increased homeownership possibilities for Americans.

More specific to the needs and concerns of the new economy, we believe that the following legislative proposals deserve the Work Group's study and consideration:

- The bipartisan **Revitalizing Downtowns and Main Streets Act** (H.R. 9002) would encourage the development of new housing units by incentivizing the conversion of under-used commercial buildings to residential properties with a tax credit for qualified property conversion expenditures. Many commercial properties can be adapted to better suit the needs of the new economy and of communities and to create job opportunities, including adding multifamily and affordable housing as well as mixed-use spaces.
- A proposal (not yet introduced) to increase the supply of starter homes by reducing the capital gains tax rate for small investors of rental houses who sell to owner-

occupants instead of another landlord. If provided a higher after-tax return by selling to a first-time buyer, many selling investors would move them to the top of the list of bidders, thus making it much easier for them to buy a home.

In addition, we believe it is imperative, as part of tax reform, to preserve and even strengthen 1031 like-kind exchanges. Section 1031, which has been a critical part of the Internal Revenue Code since 1921, has been instrumental in creating more rental housing units for the families of American workers. The majority of properties exchanged are held by small investors, and in 89% of the exchanges, clients invested significant additional capital into the property, creating jobs and increasing economic growth. Like-kind exchanges accelerate economic growth by preventing properties from languishing. They put real estate into the hands of new owners with the time, resources, and desire to restore and improve them, which invigorates the economy and creates jobs. NAR strongly believes this provision must be maintained.


As you know, the Tax Cuts and Jobs Act of 2017 (TCJA) included a vital provision designed to level the tax playing field for non-corporate taxpayers, such as limited liability companies (LLCs), partnerships, S corporations, and sole proprietorships. A great many start-up manufacturing firms are organized in one of these forms and thus received a much-needed injection of tax equality when the TCJA implemented Section 199A, which created a 20% deduction from qualified business income for self-employed entrepreneurs and owners of pass-through businesses. This new deduction helped to equalize the tax rate between large corporations and small businesses and independent contractors. With this provision set to expire at the end of 2025, NAR strongly believes it must be extended. An expiration of this provision would disproportionately harm America's small business owners and negatively impact crucial sectors of the economy, including manufacturing.

As watchdogs for the new economy, you and your team are undoubtedly familiar with the importance of protecting independent contractors against unfair reclassification as employees. A very high percentage of NAR members are bona fide independent contractors, and it is the way they want to conduct their businesses. Decades ago, Congress recognized the need for a tax safe harbor for real estate professionals who conduct business as ICs by passing section 3508 of the Internal Revenue Code. While we have seen no serious threats to this vital provision in recent years, we urge you to protect it from any changes that might be proposed in next year's tax reform debates.

Finally, we entreat the work group to consider the harmful effects of the \$10,000 limit on the state and local tax (SALT) deduction on both small businesses and on families struggling to afford to purchase a home. The simple move of eliminating the marriage penalty for taxpayers filing jointly, who have the same maximum deduction as single filers, would help current and prospective homeowners who are facing increased property tax payments that have gone up simply because the value of their home is higher. The SALT cap is also not indexed for inflation, so it becomes more onerous each year. Thus, we believe that at the very least, tax reform should remove the unfair marriage penalty and index any cap for future inflation.

NAR is committed to working with the Tax Team on New Economy and with the full Ways and Means Committee to create innovative ways that our Federal tax law can help ensure the American Dream of homeownership remains within reach for millions who are presently at risk of not attaining it. The tax reform discussions that the Congress has already begun and that will continue into next year represent an ideal time to take the first steps to turning

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around the housing crisis.

Sincerely,

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