

IREM® PUBLIC POLICY PRIORITIES



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IREM Public Policy Priorities

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*IREM Public Policy Priorities were approved in January of 2018

IREM Public Policy Priorities

ADA Lawsuit Reform

IREM supports legislation to create a “notice and cure” provision within Title III of the Americans with Disabilities Act (ADA). This would allow business owners the opportunity to rectify violations within a reasonable amount of time before being threatened with costly lawsuits or demand letters for a monetary settlement. IREM believes that this will protect building owners from onerous “drive by” lawsuits motivated by financial compensation, while still holding them accountable for ensuring accessibility to all Americans.

Fair Housing

IREM believes in equal opportunity in housing and supports the right of all people to freely choose where they will live without the constraint of prejudice or discrimination. To this end, IREM strongly supports the federal Fair Housing Act which celebrates its 50th anniversary in April 2018, encourages adherence to Fair Housing and Equal Opportunity principles, and advocates on Fair Housing and Equal Opportunity practices and other activities that foster continued excellence in the area of property management.

Disparate Impact

IREM supports equal opportunity in housing and opposes practices and policies that have a known discriminatory effect on any demographic group defined by race, color, religion, national origin, sex, handicap, familial status, sexual orientation, or gender identity. At the same time, IREM supports the ability for real estate professionals to continue such policies or practices if there is a legitimate business purpose for the policy. IREM further opposes actions that require unreasonable research into whether such policies or practices have a disparate impact or discriminatory effect.

Source of Income Discrimination

Some state and local governments have designated source of income as a protected class under their Fair Housing laws forcing property managers to accept tenant-based subsidies. By accepting these subsidies, landlords must also accept lease amendments to comply with government requirements.

IREM is supportive of the concept of government assisted housing practices and making affordable housing opportunities available to all citizens. However, IREM believes that involvement in these opportunities should be voluntary and not mandated by any level of government and opposes any such policies that require owners of private housing to surrender their property rights.

The selection of tenants and the terms of the contractual relationship are the function of the property owner or manager, not the government. Allowing certain tenants to have different (government-mandated) provisions included in their leases puts increased financial and administrative burdens on housing providers and may be unfair to other residents.

Companion Animals

IREM supports and invites guidance from the government on the issue of companion animals, sometimes referred to as emotional support animals, with respect to the American with Disabilities Act (ADA) and the Fair Housing Act (FHA). Companion animals are not service animals. Service animals require special training. Companion animals receive no specialized training and are typically for individuals with mental disabilities or those in need of emotional support.

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Federally Assisted Housing

Federally assisted housing puts people into homes who otherwise would have challenges obtaining safe and decent housing. Providing low-income earners assistance helps them find housing and helps real estate managers and owners fill vacancies.

IREM Members own and manage over 60% of all federally assisted housing and public housing units in the United States. Under project-based programs, the federal government, through the U.S. Department of Housing and Urban Development (HUD) contracts with private owners to fund the difference between the rent for the unit and 30% of the tenant's income.

IREM closely monitors all legislative and regulatory activity pertaining to federally assisted housing and engages with policy makers to encourage continued funding and clarification of new and existing notices and rules.

Rent Control

IREM is opposed to government control of rents and supports a property owner's right to establish rents that produce sufficient income to accommodate the basic needs of residents and encourage investment in new construction and existing properties. IREM urges elected officials at all levels of government to oppose rent control as being counterproductive to the best interests of all segments of society and the economic well-being of the nation.

Medical and Recreational Marijuana

An increasing number of states are legalizing marijuana to varying degrees, but it is still illegal at the federal level. This conflict between federal and state laws creates a complicated situation for real estate owners and managers. Property managers should check with local officials to ensure they are up to date on medical marijuana regulations. There are tools available to property managers enabling them to deal with marijuana as they see fit, such as lease addendums, with which smoking and illegal drug use can be prohibited.

IREM invites guidance from the government on how to implement policy and procedures for the properties real estate owners and managers operate.

Flood Insurance

The National Flood Insurance program (NFIP) is a partnership among federal, state, and local governments that helps mitigate flood risk and provide affordable flood insurance to those who need it most. If the program expires, flood insurance will become more costly or even unavailable. The NFIP provides over 90% of all flood insurance nationwide and close to 100% of flood insurance coverage for individually owned properties and small- to mid-size commercial properties.

IREM supports reform of the NFIP to ensure its ongoing sustainability, encouragement of cost-effective private flood insurance options, and long-term reauthorization of NFIP so that it remains a viable option for property owners.

Data Security

Property managers collect and maintain huge amounts of sensitive data, including social security numbers and financial information, putting them at risk from cyber-criminals. IREM supports government efforts aimed at sharing information about possible cyber threats, establishing reasonable data security standards, and helping avert security breaches and their aftermath. IREM opposes legislation that would be overly onerous on property owners and managers or their clients.

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Online Sales Tax

IREM supports legislation that would create a level playing field in the retail marketplace by allowing states to collect existing sales tax. Currently, states are unable to collect existing sales tax from remote retailers that do not have a physical presence in the state, creating a price disadvantage for brick-and-mortar retailers.

IREM opposes a federal sales tax on purchases made over the internet. Federal legislation should not preempt state efforts to address their own sales and use tax issues. IREM believes the key issues associated with the remote sales tax debate affect state and local government revenues; therefore, state and local legislative action is appropriate.