

## Assistance animals

IREM<sup>®</sup> invites guidance from the government on the issue of assistance animals (also referred to as emotional support or companion animals) with respect to the Fair Housing Act (FHA). Unlike service animals, which are regulated by the Americans with Disabilities Act (ADA), companion animals receive no specialized training and are typically for individuals with mental disabilities or those in need of emotional support.

## 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 review state and local statutes and regulations to ensure they are in compliance with medical marijuana laws and regulations. Property managers may also utilize best practices to address the issue 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 operated by real estate owners and managers.

## 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 it significantly affects the housing inventory by accelerating the deterioration and loss of existing housing while discouraging the construction of new housing.

## ADA lawsuit reform

IREM supports legislation to create a "notice and cure" provision within Title III of the 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 reform will protect building owners, while still holding them accountable for ensuring accessibility to all Americans.

## Flood insurance

IREM supports the reform and long-term reauthorization of the National Flood Insurance Program (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.

The 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 almost 100% of coverage for individually owned properties and small to mid-size commercial properties.

## **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.

We also strongly encourage members to use best practices to protect their clients' confidential information.

## **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. IREM 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.

### **Disparate impact**

IREM is opposed to policies and practices which are known to have a disparate impact on any demographic group defined by race, color, religion, national origin, sex, handicap, familial status, sexual orientation, or gender identity.

However, IREM supports the ability for real estate professionals to continue such policies or practices if there is a legitimate business purpose for the policy, and that purpose cannot be accomplished in a readily identifiable and not unduly burdensome means with a less discriminatory impact. 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.

We support government-assisted housing and making affordable housing available to all citizens. However, we believe that involvement in these programs should be voluntary and opposes any policies that require owners of private housing to surrender their property rights.

The selection of tenants and the terms of the contractual relationship are functions 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.

## **Property management licensing**

Proper licensure helps protect the public by ensuring real estate managers are qualified, accountable, and competent. Management of residential apartments, condominiums, homeowner's associations, office buildings, shopping centers, and all other commercial property involves real estate activities and should require a license. However, we are opposed to the creation of separate classes of real estate management licensing.

Many IREM Members manage multiple types of properties, such as residential apartments, condominiums, cooperatives, and homeowner associations. By requiring separate licensing anyone managing multiple property types may need to carry separate licensing for each one. As the majority of real estate management companies are small businesses, the added administrative and financial costs could be extremely burdensome to those who can least afford it.

## **Federally assisted housing**

Federally assisted housing puts people into homes who otherwise would have challenges obtaining safe and decent housing. Providing assistance to low-income earners 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 policymakers to encourage continued funding and clarification of new and existing notices and rules.

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