

December 18, 2024

# NAA Advocacy & Legal Webinar



# Antitrust Compliance and Legal Disclaimer

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# December 18 ALW Agenda

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## I. Welcome and Introductions

- A. Advocacy Wins
- B. Legal Wins

## II. Legal News

- A. Trending Cases We're Watching
- B. Latest in Legal News

## III. Federal Advocacy

- A. The "Big Three" Progress
- B. GOP Trifecta
- C. What's Next
- D. 119th Congress Key Committee Leadership

## IV. Federal Regulatory Advocacy

- A. FTC "Junk Fee" Final Rule Announced
- B. HUD 30-day Eviction Filing Notice for PBRA

## Properties

- C. Section 8 HCV Partnership
- D. FHFA Landlord/Resident Reqs. For Fannie/Freddie Props.
- E. Trump's 2.0 Cabinet
- F. Industry Opportunity to Revisit Regulations

## V. State and Local Update

- A. Rent Control
- B. Source of Income
- C. Other Notable Issues

## VI. Affiliate Spotlight - Steve Chintaman

- A. Closing Remarks/Q&A

# NAA Advocacy Wins

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- Submitted 54 comment letters—27 letters to Congress, 24 to Federal Agencies, & 3 to the White House.
- Because of NAA and its industry partners' tireless advocacy, the Federal Trade Commission (FTC) issued its final “junk fees” rule, notably excluding the rental housing industry from additional regulation!
- Met with the National Association of Letter Carriers to elevate industry's concerns about mail delivery interruptions due to student housing reclassification and delays in arrow key replacements at rental communities.

# Legal Wins

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- ***Thorin Properties Limited Partnership, et. al. v. City of Eugene***
  - Oregon Appellate Court reversed the trial court and upheld Defendant's \$10 cap on rental screening fees
  - NAA filed a "friend of the court" with the Oregon Supreme Court in support of Plaintiff's position that the \$10 cap is preempted by state law
- ***NAA Joins Coalition to Challenge DC and Montgomery County, MD Gas Bans***
  - Read NAA's article [here](#)
  - Read the Complaints: 1) [DC Docket](#); 2) [Montgomery County, MD Docket](#)
- ***NAA Legal View - Released December 9, 2024***
  - Digital publication from NAA's Legal Affairs Department that highlights legal news, trending cases, agency actions, and everything in-between!
  - Review NAA's Legal View [here](#)

LEGAL

NEWS

# Latest in Legal News

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- **New York's new bed bug landlord notification [law](#); effective December 22, 2024**
  - Housing providers are required to notify their residents within 72 hours of an infestation
  - Notification is only required for those residents directly at risk; if in a common area, a publicly posted notice is required
- **U.S. Department of Labor releases [guide](#) to combat harassment in construction**
  - Issued by DOL's Office of Federal Contract Compliance on November 21, 2024
  - The guide is aimed at helping federal contractors understand DOL's jurisdiction, clarifying what constitutes harassment, and providing information to workers who may have experienced harassment
  - Best practices highlighted by the guide include educating employees on what constitutes harassment, communicating to employees that it will not be tolerated, developing formal procedures for reporting harassment, investigate, and take appropriate action on harassment

# Latest in Legal News

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- **National Labor Relations Board's General Counsel issues [memo](#) that non-compete & stay-or-pay provisions may violate the National Labor Relations Act**
  - NLRB General Counsel Jennifer Abruzzo's memo dated October 7, 2024 expands upon her [memo](#) from May 2023 on the same topic
  - The memo notes that non-compete provisions have a harmful effect on an employee due to restricting an employee's ability to change employment or to use prospective employment options to leverage a raise
  - As to stay-or-pay provisions, the memo notes that these provisions restrict employee mobility by making it untenable or financially difficult for an employee to resign, and increases an employee's fear of being retaliated against and terminated for engaging in protected activity
  - The memo provides a 60-day window from October 7, 2024 to cure any preexisting stay-or-pay provisions that advance a legitimate business interest
  - Read NAA's article [here](#)
- **National Labor Relations Board changes standard for employer comments during unionization campaigns**
  - On November 8, 2024, the NLRB [ruled](#) in the case of *Siren Retail Corp. d/b/a Starbucks* that employers telling employees unionization could impact their relationship with their employer may violate the NLRA
  - The NLRB held that the NLRA was better served if the content and context of statements were analyzed on a case-by case basis. The decision in the 1985 [case](#) regarding *Tri-Cast, Inc.* previously held that these statements were permissible
  - The NLRB found in favor of employer, finding the statements in question lawful under *Tri-Cast, Inc.*; The NLRB made the new standard prospective



# Trending Cases We're Watching

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- **U.S. Supreme Court rent control cases**

- *G-Max Management, Inc., et al. v. New York, et al.*
- *Building and Realty Institute of Westchester and Putnam Counties, Inc., et al. V. New York, et al.*
  - On November 12, 2024, SCOTUS declined to grant certiorari in [G-Max](#) and [Building and Realty Insitute](#). Only Justice Gorsuch indicated he would have taken up the cases.
- Read NAA's article [here](#).

- **Pennsylvania - U.S. Department of Justice sues Pennsylvania over sprinkler mandate for community homes**

- On November 19, 2024, DOJ filed suit against PA, the PA DOL, and PA DHS over PA's code requirements that require "community homes" for people with intellectual disabilities and autism to install sprinkler systems at their own expense in violation of the Fair Housing Act of 1968.
- The [lawsuit](#) alleges that no other single-family homes in Pennsylvania, including new constructions, are required to install automatic sprinklers, thereby discriminating against persons with intellectual disabilities and autism.
- The lawsuit states that the sprinkler mandate limits housing availability for community homes because it is difficult and expensive to install sprinkler systems in individual units and housing providers do not want to make their rental units less desirable with exposed metal pipes.
- DOJ is seeking injunctive relief and asking for localities to have the ability to determine necessary fire safety requirements in their area.

# Trending Cases We're Watching

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- **Texas – Texas Top Cop Shop, Inc., et al v. Garland, et al.**
  - A group of six plaintiffs filed a lawsuit in May 2024, claiming that Congress exceeded its authority under the Constitution in passing the Corporate Transparency Act (CTA).
  - On December 3, 2024, the trial court issued a preliminary injunction prohibiting enforcement of the CTA and associated regulations by the Treasury Department. The trial court found that the plaintiffs were likely to succeed on the merits of their claims, and issued a nationwide injunction.
  - As a result, the CTA and its associated regulations may not be enforced and reporting companies need not comply with the CTA's upcoming January 1, 2025 deadline for filing beneficial ownership reports.
  - The trial court's decision is in line with a federal district court in Alabama, though the trial court only issued an injunction to the named plaintiffs in that case. However, this decision conflicts with those of federal district courts in Michigan, Oregon, and Virginia, which denied plaintiffs' motions for a preliminary injunction in their challenges to the constitutionality of the CTA.
  - On December 5, 2024, the U.S. government filed a notice of appeal to the U.S. Court of Appeals for the Fifth Circuit, challenging the preliminary injunction.

# Trending Cases We're Watching

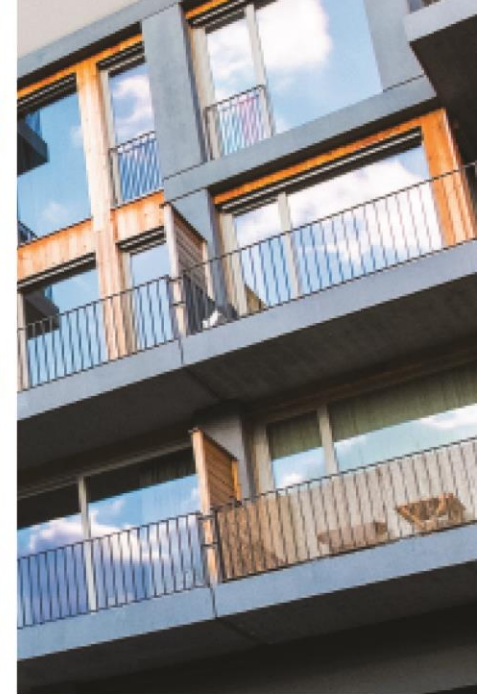
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- **Texas – Texas, et al v. U.S. Department of Labor, et al.**
  - On April 23, 2024, the DOL [issued](#) final regulations raising the white-collar exemption salary threshold, which had last been updated in 2019 (\$684 per week or \$35,568 per year).
  - On June 3, 2024, the state of Texas and a coalition of trade associations and employers filed suit, contending that the regulations exceeded the DOL's authority under the Fair Labor Standards Act (FLSA).
  - On November 15, 2024, the trial court [held](#) that the rule exceeded DOL's statutory authority under the FLSA, and issued a nationwide injunction.
  - As a result, the increase in the overtime threshold scheduled to become effective on January 1, 2025 will not go into effect. The trial court also struck down the July 1, 2024 threshold that previously went into effect, and held that the rule's automatic "escalator" provision which would have increased the threshold every three years, was also unlawful.

# Trending Cases We're Watching

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- **Washington – The Housing Authority of County of King v. Knight, et al. (CARES Act)**
  - On February 26, 2024, the Washington Court of Appeals reversed the trial court and [held](#) that the CARES Act only requires 30 days' notice for evictions stemming from a tenant's non-payment of rent.
  - On July 24, 2024, the Washington State Supreme Court agreed to hear the case.
  - Oral arguments were held on November 21, 2024.
- **California - Fair Housing Center of Central Indiana, et al. v. Tricon Residential, Inc., et al.**
  - On November 20, 2024, plaintiffs [filed](#) a class action against a multi-family housing provider for its blanket ban against renting to individuals with a record of any felony convictions over the past seven years, or any convictions for a list of enumerated offenses, regardless of when they occurred. Plaintiffs also alleged that the multi-family housing provider has a blanket ban against renting to individuals with a record of any eviction filings within at least the past two years.
  - Plaintiffs claim these policies violate the Fair Housing Act of 1968 and the California Fair Employment and Housing Act by disproportionately affecting African Americans and women. Plaintiffs also alleged that these policies defy guidance by federal agencies which instruct housing providers to individually review applications in order to mitigate the risk of racial disparities in access to housing.



# Federal Legislative



# The “Big Three” made significant progress in the 118<sup>th</sup> Congress



## **Notice to Vacate**

The “Respect State Housing Laws Act” was included in the House HUD Appropriations Package.

## **YIMBY**

The “Yes In My Back Yard Act” passed out of the House Financial Services Committee on a unanimous, bipartisan vote.

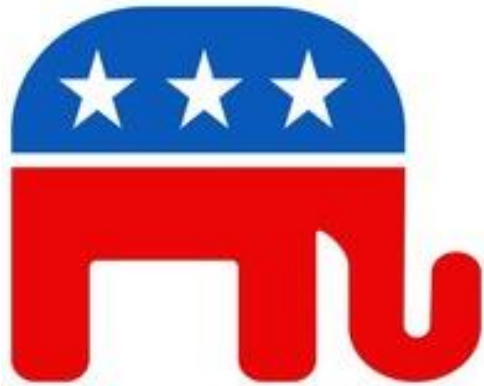
## **Choice**

The “Choice in Affordable Housing Act” has been introduced on a bipartisan basis in both the House and the Senate.

# The GOP has a trifecta control of a closely divided nation.

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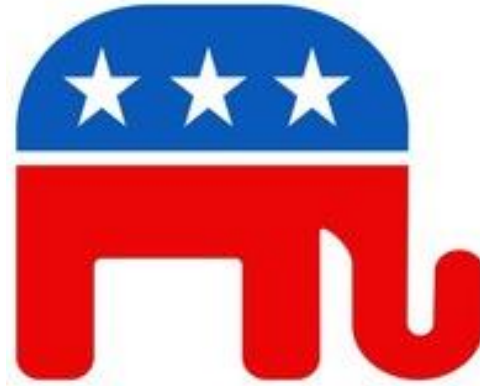
## House of Representatives



**220 – 215 GOP – DEM**

218 for the majority  
Current Margin: 221-212 w/2 vacancies  
63 New Representatives Next Year  
(excludes three new members that will be elected in special elections)

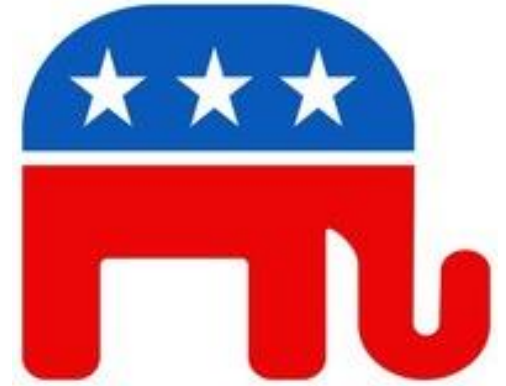
## White House



**President-elect Donald Trump**

Electoral College: 312-226  
Popular Vote: 49.97% - 48.36%

## Senate



**53 – 47 GOP - DEM**

51 for the Majority  
Current Margin: 51-49  
10 New Senators Next Year  
(excludes two new Senators that will be selected in FL and OH)

# What's Next

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- Continuing Resolution expected extending current funding until mid-March 2025 funding including some disaster relief
- Congress Passed NDAA which increased funding for military housing
- First 100 Days of Congress Expect
  - Trump Budget for FY 2026
  - Votes for Trump Secretary Nominees including HUD
  - New House/Senate Leadership and Key Committee Membership



# 119th Congress Key Committee Leadership

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- House Financial Services Committee  
Chair French Hill (R-AR) and Ranking Member Maxine Waters (D-CA)
- Senate Banking Committee  
Chair Tim Scott (R-SC) and Ranking Member Elizabeth Warren (D-MA)



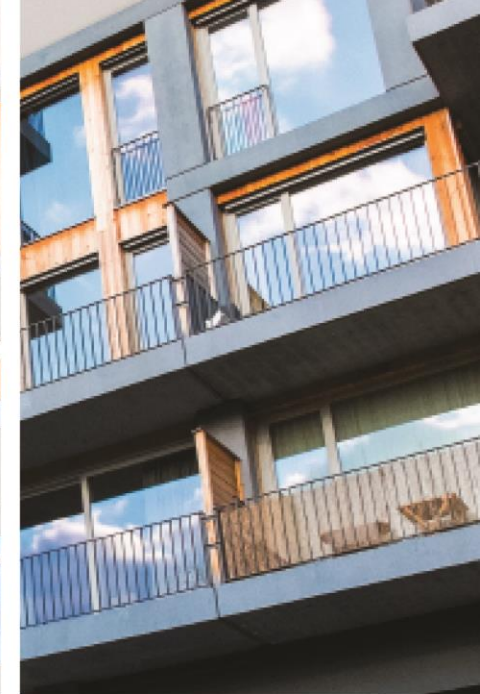
**Left to Right: Hill, Waters, Scott, Warren**

# 119th Congress Key Committee Leadership

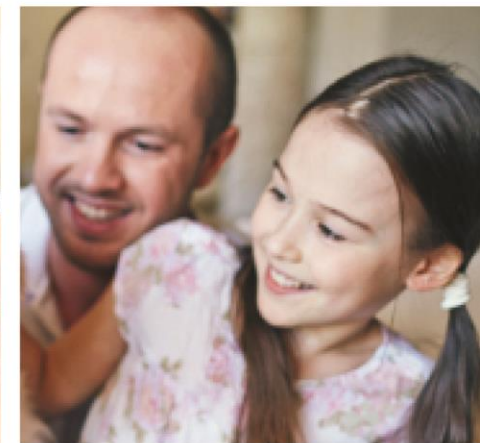
- **Ways & Means Committee and Senate Finance Committee (TAX)**  
Chair Jason Smith (R-MO) and Ranking Member Ritchie Neal (D-MA)  
Chair Tom Crapo (R-ID) and Ranking Member Elizabeth Warren (D-MA)
- **Appropriations Committee**  
Chair Tom Cole (R-OK) and Ranking Member Rosa DeLauro (D-CT)  
Chair Susan Collins and Ranking Member Patty Murry (D-WA)
- **Energy & Commerce**  
Chair Bret Guthrie (R-KY) and Ranking Member Frank Pallone (D-NJ)
- **Environmental & Public Works Chair:**  
Shelly Moore Capito (R-WV) and Ranking Member Bernie Sanders (D-VT)
- **Commerce:** Chair Ted Cruz (R-TX) and Maria Cantwell (D-WA)



**Left to Right: Smith, Neal, Crapo, Wyden**



# Federal Regulatory



# FTC “Junk Fees” Final Rule Announced

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- On Dec. 17, FTC [announced](#) its final Junk Fees Rule is imminent
  - Becomes effective 120 days after it is published in the Federal Register
  - Focuses on total price/fee disclosure reqs. for live-event ticketing and short-term lodging
  - While FTC notes no intended impact on rental housing providers, NAA is reviewing short-term lodging provisions for potential impacts
- The Commission voted to approve publication of the final rule by 4-1 vote, w/ Republican Commissioner Andrew Ferguson (incoming FTC Chair) dissenting.
- **Rental housing is notably excluded** bc of the strong advocacy of NAA and its industry partners
  - Out of more than 70k comments received by the FTC, 3,800 NAA affiliate partners/ members amplified message urging the FTC to exclude the rental housing industry—**THANK YOU!**
  - Read NAA and NMHC’s detailed [comment letter](#) and real estate trades’ [coalition letter](#)
  - As part of our advocacy, NAA secured a key opportunity for dialogue with FTC officials to raise key industry concerns and answer questions directly from regulators

# *HUD 30-day Eviction Filing Notice for PBRA Properties*

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- On Dec. 13, U.S. Dept. of Housing & Urban Development (HUD) announced [final rule](#) req. public housing agencies (PHAs)/owners of project-based rental assistance (PBRA) properties to provide residents w/ notice 30+ days before filing for eviction due to nonpayment.
  - Largely adopted proposed rule and, in response to public comments, revised to include add'l reqs. in the 30-day notice and to clarify the timing of the notice.
  - Covered entities must comply with this rule no later than January 13, 2025. PBRA owner compliance with certain reqs. in new [24 CFR 880.606\(b\)](#), [884.215](#), [886.127\(c\)](#), [886.327\(c\)](#) and [891.425\(d\)](#) is req'd no later than 14 months from the date that HUD publishes final model leases that incorporate these requirements.
  - HUD denotes a different compliance deadline for Public Housing Agencies (PHAs).
- For background, see NAA's [industry comments](#); we remain opposed to federal interference into states' eviction processes that already robustly protect renters and ensure both parties retain access to the courts, their only legal avenue to resolve landlord-tenant disputes.
- NAA continues to explore all avenues to protect the industry against bad policy.

# Section 8 HCV Partnership

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- 6 successful industry roundtables, discussing the Section 8 Housing Choice Voucher program & uncovering housing providers' local challenges
  - **June 18 Kick Off in Philadelphia**, hosted by NAA and the Pennsylvania AA
  - **August 13** in Charlotte, hosted by the Greater Charlotte AA
  - **September 23** in El Paso, hosted by the El Paso AA
  - **September 24** in Las Cruces, hosted by the AA of New Mexico
  - **November 20** in Boston, hosted by the Massachusetts AA
  - **December 3** in Tampa, hosted by the Bay Area AA
- Up Next:
  - **January 14** in San Diego hosted by the Southern California Rental Housing Association
  - We will continue this important work with the next administration!

# *FHFA Landlord/Resident Reqs. for Fannie/Freddie Props.*

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- Earlier this year, the Federal Housing Finance Agency (FHFA) [announced](#) new landlord/tenant reqs. for enterprise-backed properties (i.e. Fannie/Freddie mortgage products).
  - Covered housing providers must provide tenants with the following: **30-day written notice of a rent increase; 30-day written notice of a lease expiration; and 5-day grace period for fees related to late rent payments.**
  - Applies to new loans signed on or after the policy effective date, February 28, 2025.
- NAA continues conversations w/ FHFA and have offered language that aligns w/ existing responsibilities reflected in the Click and Lease Program (more on this at January ALW).
- To learn more, see [Fannie Mae](#) and [Freddie Mac](#) policy frameworks and FAQs.
  - Also available: [NAA/NMHC/MBA press statement](#) and [member article](#)

# All new players for Trump's 2.0 cabinet.

<b>Dep. Chief of Staff/ Policy Advisor</b>	<b>FCC Chair</b>	<b>CFPB Director</b> <small>*serves 5-year term, fireable anytime</small>	<b>EPA Admin.</b>	<b>HUD Sec.</b>	<b>FHFA Director</b>	<b>FTC Chair</b>	<b>Labor Sec.</b>	<b>Treasury Sec.</b>
								
<b>Stephen Miller</b>	<b>Brendan Carr</b>	<b>Brian Johnson</b>	<b>Lee Zeldin</b>	<b>Scott Turner</b>	<b>Mark Calabria</b>	<b>Andrew Ferguson</b>	<b>Rep. Lori Chavez-DeRemer</b>	<b>Scott Bessent</b>
		<b>Tom Pahl</b>			<b>Jonathan McKernan</b>			
		<b>Todd Zywicki</b>						

No Confirmation Req'd

Subject to Senate Confirmation




# Industry Opportunity to Revisit Many Regulations.

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- **DOL** Davis-Bacon Wage Determination
- **DOL** Overtime Rule
- **EPA** Lead-based Paint Dust Rule – Final rule published 10/24\*
- **EPA** Waters of the U.S. (WOTUS) Rule
- **FCC** Digital Discrimination Rule
- **HUD** Disparate Impact Rule
- **HUD** Emotional Support Animal Guidance
- **HUD** Minimum Energy Standards for HUD-financed New Construction
- **HUD** Solar, Cell Tower, Rooftop Lease Reqs.
- **HUD** Guidance Addressing Fair Housing Act Application to:  
1) Tenant Screening Process & 2) Targeted Housing Advertising thru Online Platforms
- **HUD** 30-day Notice Req. for Project Based Rental Assistance Properties – *Final rule published 12/13\**
- ~~**FTC** “Junk Fees” Rule – *Final rule announced 12/17\**~~
- **HUD** CARES Act Pre-Eviction Notice Interpretation
- **FHFA** CARES Act Pre-Eviction Notice Interpretation/Directive to Fannie/Freddie to Issue Guidance
- **FHFA** Landlord-Tenant Reqs. for Fannie/Freddie Properties
- **HUD** Affirmatively Furthering Fair Housing Rule – *Pending*
- **HUD** Criminal Screening Rule for Assisted Housing – *Pending*
- **OSHA** National Heat Safety Standards Rule – *Pending*
- **EOP** Revoke EO 14094; Reinstate EO 12866

\*Subject to rescission under the Congressional Review Act



**ARE YOU STILL THERE?**



ARE YOU STILL THERE?  
ARE YOU STILL THERE?  
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ARE YOU STILL THERE?  
ARE YOU STILL THERE?  
ARE YOU STILL THERE?



STATE

& LOCAL

# Rent Control

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## Current Statutory Counts

### With Rent Control

- States: 7 and D.C.
- Localities: 217

### With Preemption (Prohibiting Rent Control Adoption)

- States: 33

### With “Price Gouging”

- States: 35

### Where Can I Learn More?

- [State Legislative Tracker](#)
- [Local Ordinance Tracker](#)
- [Legislation Set to Go Into Effect](#)
- [Localities Ponder Rent Control](#)

NAA Advocacy & Legal Webinar

## Localities

- [Los Angeles, CA](#) has finalized amendments to the Rent Stabilization Ordinance to reduce the maximum allowable rent increase from 8% to 5%. Effective Jan. 1, 2025.
- [Santa Barbara, CA](#) City Council discussed the creation of a rent stabilization ordinance, in addition to other tenant protections.
- [Phillipsburg, NJ](#) adopted a rent stabilization ordinance, which permits annual rent increases based on CPI data..
- [Poughkeepsie, NY](#) state Supreme Court has overturned the city's rent stabilization law, finding the rental vacancy study to be flawed.

THANK YOU TO NAA’S AFFILIATE PARTNERS FOR THEIR EFFORTS  
TO PROTECT THE INDUSTRY!

# Source of Income

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## Source of Income Current Statutory Counts

- State – 19
- Local – 95

## With Source of Income Preemption

- States - 7

## Where Can I Learn More?

- [NAA State Tracker](#)
- [Local Ordinance Tracker](#)
- [Legislation Set to Go Into Effect](#)

## Michigan

- Would allow tenants to sue providers if they think they denied their housing application on the basis of their source of income.
- [H.B. 4062](#) - Passed and sent to Governor Whitmer.
- Would add source of income as a protected class in the state's Elliot-Larsen Civil Rights Act.
- [H.B. 4063](#) – Passed and sent to Governor Whitmer.

## Philadelphia

- Expanded renter's protections now being enforced under the Fair Practices Ordinance, ranging from naming rental vouchers as protected programs to prohibiting property owners from refusing to rent to voucher holders to extending the judicial review period to 90 days to allow renters to appeal decisions
- [Bill No. 240060](#) - Signed by Mayor

# Other Notable Issues

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## Eviction

- **Rochester, NY** Good Cause Eviction legislation has been pushed back and will be voted on in December.
- **Binghamton, NY** considering Good Cause Eviction legislation as early as Wednesday, December 18.
- **Catskill, NY** opted into the states Good Cause Eviction law.

## Fees

- **Fayetteville, AR** ordinance will limit the amount housing providers can charge prospective tenants for processing applications and doing background checks. Effective Jan. 13, 2025.

## Resident Screening

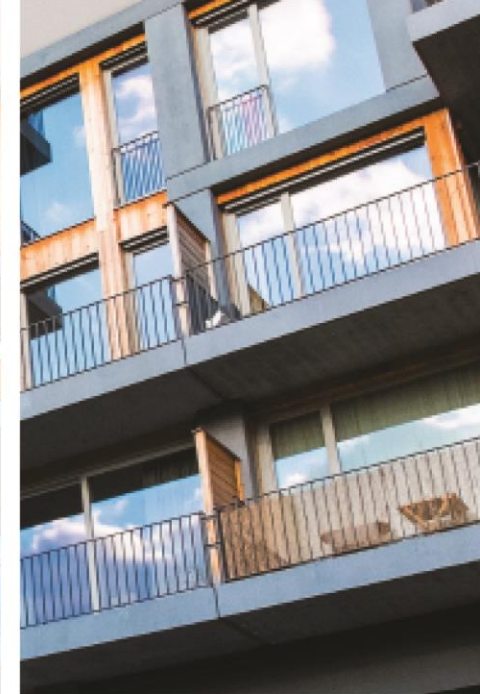
- **New Jersey:**
- A Senate companion bill was introduced that prohibits a housing provider from performing a hard credit inquiry in evaluating an affordable housing applicant joining **A.4990 - Referred to Assembly Committee** introduced in October 2024.
- **S.3865 - Referred to Community and Urban Affairs Committee**

# State & Local Recap

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- All bills NAA has tracked relating to "squatters" have been added to the Notable or Emerging Issues Tracker [here](#), and the Advocacy & Legal Webinar Reported Bills [here](#)
- Most state legislatures have adjourned
  - Click [here](#) for state legislation that has passed
- Follow along with NAA's local action tracker
  - Click [here](#) for local legislation that passed
  - Click [here](#) for ballot measures impacting rental housing that were voted on in November





# Affiliate Spotlight - Pennsylvania Apartment Association



# Philadelphia Anti-Competitive Price Coordination Legislation

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- Philadelphia's City Councilmember Nic O'Rourke introduced [legislation](#) that would prohibit all agreements to engage in anti-competitive price coordination with respect to rental housing, including the sale and use of any software that would facilitate price coordination using algorithms.
- PAA opposed the legislation by outlining how the legislation impacts the day-to-day operation of our industry and the overreaching definition of "price coordination" that primarily describes rent research and determination, not price fixing and coordination.

# Philadelphia Anti-Competitive Price Coordination Legislation

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This was Councilmember O'Rourke's first bill, and he was committed to its approval. Knowing the ordinance will pass, PAA worked to draft an amendment we believe softened the language of the bill making it less consequential. The amendment:

- **Removes language that prohibits or restrict the use of technology on the collection, and analysis of public data.** This is like the San Francisco legislation in that it prohibits the use of non-public competitor information and not public data. Non-public competitor information in a nutshell, is information that is provided by the customer to the service provider that inculcates information about the customer's housing units, actual rent prices, occupancy rates, etc. that will now be prohibited for dissemination to other customers with regards to suggesting rental rates.
- **Clarifies the definition of price coordination to not include:**
  - Providing information for the purpose of establishing rent or income limits in accordance with the affordable housing program guidelines of a governmental entity.
  - Generation or use of any report, study, or presentation that provides existing rental data in an aggregated manner but does not recommend rent prices, fees, or occupancy rates or other rental contract terms for future leases.
  - Providing information for the purpose of conducting market research for project financing or for the purpose of conducting an appraisal.
- **Provides a resident a private right of action to file a lawsuit against the housing provider or charges the Philadelphia Law Department to file a civil lawsuit on behalf of City against the housing provider who violates the law.**
- **Delayed implementation of 90 days after the adoption of the law.**

# Philadelphia Anti-Competitive Price Coordination Legislation

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- In addition to our amendment, PAA submitted written testimony to the members of the committee detailing the positive attributes of revenue management software. We also expressed concerns over enforcement of the law specifically as it relates to frivolous lawsuits filed against housing providers due to increased rents. We do believe that the burden of proof will be high as this will result in very minimal lawsuits.
- Lastly, we've also expressed compliance concerns. How would a housing provider know it's not in compliance of the law? Will a service provider ("RealPage or other similar companies) know of the law and able to incorporate the changes? Real Page does have the ability to exclude non-public competitor information but that does not mean other companies do.

# 2025 Advocacy and Legal Webinar Series

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- **2025 Dates Announced (3<sup>rd</sup> Wednesday at 3:30 pm ET):** Jan 15, 2025, Feb 19, 2025, Mar 19, 2025, Apr 16, 2025, May 21, 2025, Jun 18, 2025, Jul 16, 2025, August Recess (no webinar), Sep 17, 2025, Oct 15, 2025, Nov 19, 2025, Dec 17, 2025
- **Attention all 2024 registrants:** Your login credentials will work for the 2025 series!
  - We will resend your confirmation email after this session.
  - Keep an eye out for an email from Emily Howard via NAA’s zoom.us account to add the new dates to your calendar.
  - Need help? Search “no-reply@zoom.us” in Outlook or email Emily at [ehoward@naahq.org](mailto:ehoward@naahq.org).
- Encourage your industry colleagues to **[register today!](#)**

# *Thank you!*

- **Give us your feedback!**
  - Take [this survey](#) to let us know how we're doing
- **Keep Up with NAA's Federal Advocacy**
  - Join us for the January 15th Advocacy & Legal Webinar (ALW) at 3:30 p.m. ET. [Register for the series!](#)
    - Missed part of the discussion? Catch the [ALW recording on YouTube](#).
    - Share the ALW recording with a colleague or an industry friend!
    - Want a deeper dive? Read the [Apartment Advocate](#).

Q&A



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# Appendix



# At Your Service



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# At Your Service

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# Extra Advocacy & Legal Updates!

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- **National Labor Review Board limits an employer's right to make unilateral change in the workplace in Endurance Environmental Solutions, LLC**
  - An employer makes a unilateral change when it modifies certain conditions of employment without bargaining with the union. For example, if an employer implemented a new pay schedule.
  - On December 10, 2024, the NLRB overturned the 2019 decision in MV Transportation, which had held that an employer's unilateral change could possibly be covered by the management rights clause of a CBA under the contract coverage test.
  - This decision restores the previous standard that had been in place for more than 70 years, the unmistakable waiver standard. Under this standard, employers could only make a unilateral change if there was clear and unmistakable language in the CBA waiving the union's right to bargain.
- **Washington - Princeton Property Management, Inc. v. Allen, et al.**
  - Housing provider and tenants entered into a settlement agreement after eviction proceedings were initiated. The settlement agreement held that the housing provider could move for an eviction order without a hearing. After the settlement agreement was breached, the housing provider initiated new eviction proceedings and sought an order immediately removing tenants.
  - On June 11, 2024, the Washington Court of Appeals reversed the trial court and held that the settlement agreement violated the Residential Landlord-Tenant Act's anti-waiver provisions due to its waiver of tenant rights.
  - On December 3, 2024, the Washington Supreme Court declined to hear the case.

# NAA Advocacy Tools

- [NAA State Tracker](#)
- [Legislation Set to Go Into Effect](#)
- [Local Ordinance Tracker](#)
- [Advocacy 365](#) to stay up to date with the latest NAA advocacy opportunities!