



National Association of Residential Property Managers

## ADA Lawsuit Reform



The National Association of Residential Property Managers (NARPM®) fully supports the goals of the federal Americans with Disabilities Act (“The Act”), which seeks to help ensure equal access to public facilities by disabled individuals.

NARPM® believes a person’s disability should not be a barrier to public facilities, and that all residential property managers should adhere to rules, policies, practices, and services that comply in word, deed, and spirit with The Act as it applies to their activities.

Unfortunately, we have seen an increase in so-called “drive-by” lawsuits, where plaintiffs’ lawyers will barrage well-meaning property owners with threatening demand letters over technical, easily-correctable violations in order to force quick settlements that consist mostly of attorneys’ fees.



By emphasizing quick payouts to ambitious lawyers over bringing properties into compliance with The Act, such coercive schemes debase the intent of The Act and enrich unscrupulous lawyers at the expense of the very persons The Act is intended to protect.

NARPM® requests that Congress enact legislation that would remedy this situation by creating a “notice-and-cure” provision within The Act, giving property owners accused of not complying with the Act clear notice of the alleged violation and an opportunity to remedy the violation before a lawsuit may move forward.

Specifically, NARPM® supports H.R.620, The ADA Education and Reform Act of 2017, and applauds its passage in the House. We request that Senate members support passage of this commonsense reform.

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For more information, please contact NARPM® Governmental Affairs Director Tyler Craddock at [tcraaddock@narpm.org](mailto:tcraaddock@narpm.org).



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## National Flood Insurance Program (NFIP) Reauthorization

NARPM® recognizes that flooding continues to be the most common natural disaster in the United States. Flooding events happen in every state and territory. No one is truly free of risk.

The NFIP is a critical risk management tool for property owners to protect their property investment and manage the increasing costs of providing housing that is affordable. It is an especially critical tool for smaller firms that do not have the leverage to negotiate with a private insurance carrier for an umbrella liability policy to cover flood risk at an affordable rate.

NARPM® recognizes that reforms are needed to ensure the long-term fiscal viability of the NFIP so that the program can continue to reduce taxpayer funded disaster assistance for flooding events. These reforms include:

- Improve the accuracy of the flood maps used to determine risk in the NFIP.
- Expand NFIP coverage to include Business Interruption for businesses so they can more quickly recover from a major flooding event.
- Align NFIP multifamily & single family claim reimbursement handling to provide Replacement Cost Value (RCV) instead of Actual Cost Value (ACV) to damaged apartment properties.



Specifically, NARPM® supports timely passage of a long-term NFIP reauthorization bill. Reauthorization efforts should include sensible reforms that improve the accuracy of the flood maps, expand NFIP to include Business Interruption coverage for rental properties, and provide Replacement Cost Value (RCV) instead of Actual Cost Value (ACV) to damaged apartment properties.

*For more information, please contact NARPM® Governmental Affairs Director Tyler Craddock at [tcraddock@narpm.org](mailto:tcraddock@narpm.org).*



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## Assistance Animals

NARPM® fully supports the goals of the federal Fair Housing Act (“The Act”) which prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, familial status and disability. In addition, NARPM works in accordance with The Act with tenants to make reasonable accommodations in rules, policies, practices and services.

However, property managers have seen an increase in tenant requests for emotional support/companion animals over the years. While current federal guidelines are vague and uncertain, this causes confusion and possible delays in providing the proper accommodations.

NARPM® requests that federal authorities:

- Provide clearer guidelines as they relate to qualifications for the need of an emotional support animal and or therapy animal.
- Establish guidelines for the proper certification and documentation from valid authorities (with proper licensure identification) for the need for such animals.
- Establish penalties for falsifying documents or providing fraudulent documentation without the proper certification of need.

*For more information, please contact NARPM® Governmental Affairs Director Tyler Craddock at [tcraddock@narpm.org](mailto:tcraddock@narpm.org).*





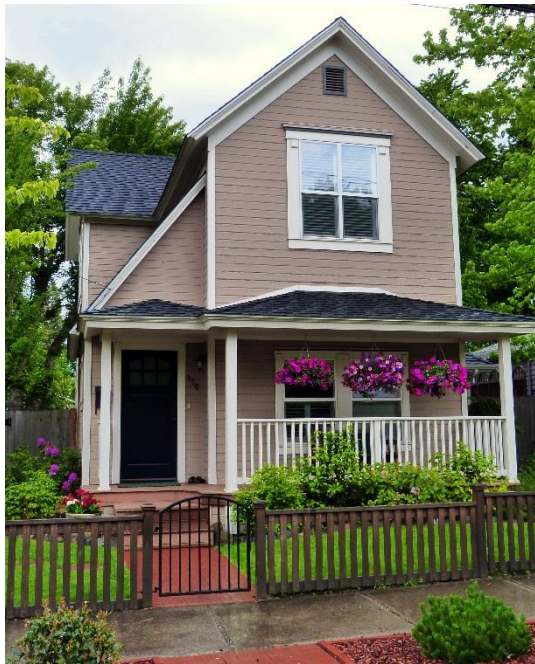
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## Criminal Background Checks

In 2016, HUD issued a guidance document that may prohibit the use of arrest records to deny residency. Housing denials based on convictions may have to consider the nature and severity of the incident and often this will be based on a case by case basis. The guidance seeks to end blanket exclusions of prospective residents based on criminal history in favor of an approach that is more narrowly tailored to achieve property safety and security goals of neighbors and maintenance staff. Unfortunately, the guidance does not spell out exactly what is allowed and prohibited in such policies.



NARPM® supports protecting the rental housing industry's right to consider criminal and credit history in residential screening in a manner that is designed to ensure safe communities for residents and staff and in a manner that does not create a disparate impact on protected classes.



In order to help provide certainty to property managers, NARPM® requests that HUD provide clarifying guidance regarding its enforcement practices on this issue so that property managers, owners, and tenants all know the rules of the road.  
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