



*Submitted electronically*

March 27, 2024

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Division of Advertising Practices  
Bureau of Consumer Protection  
Federal Trade Commission

**Re: National Apartment Association and National Multifamily Housing Council's Request to Participate in the Trade Regulation Rule on Unfair or Deceptive Fees Informal Hearing – R207011.**

On behalf of the nearly 100,000 combined members of the National Apartment Association (“NAA”) and the National Multifamily Housing Council (“NMHC”), **we submit this request to make an oral submission at the Federal Trade Commission (“FTC”) Informal Hearing on April 24, 2024, regarding the Proposed Trade Regulation Rule on Unfair or Deceptive Fees - R20711 (“NPRM”).** We submit this as a joint request and would have one person present at the hearing on behalf of NAA and NMHC.

We are interested parties to this hearing given that our members collectively engage in all aspects of the apartment industry, including ownership, development, management and finance, who help create thriving communities by providing apartment homes for 40 million Americans, contributing \$3.4 trillion annually to the economy.

As expressed in our submitted written comments,<sup>1</sup> NAA and NMHC believe the rental housing customer experience is materially different from the other consumer transactions referenced in the NPRM. Specifically, the rental housing transaction fundamentally differs from a typical hotel or live event ticket transaction because the relationship between housing providers and renters involves an ongoing contractual relationship, typically at least a year-long commitment.

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<sup>1</sup> Given the reasons stated in our joint comment letter, NAA and NMHC seek relief from the FTC and affirm that the FTC should exempt the rental housing industry from the NPRM. Comments submitted electronically at <https://www.regulations.gov/comment/FTC-2023-0064-3133>.

This relationship is also already subject to extensive regulation at all levels of government, most especially, at the state and local level, and is uniquely characterized by a series of transactions as opposed to a single-point transaction. This is where the proposed rule's requirements become inapposite given the realities of rental housing operations.

NAA and NMHC would also wish to address our concern that the NPRM lacks a sufficient factual underpinning as applied to rental housing because it is not based on any statistically relevant data. The Commission acknowledged as much in the NPRM by stating that much of the information relating to rental housing is based upon "individual consumer" and "consumer and policy group" statements regarding purported advertising practices in the industry.

Moreover, NAA and NMHC remain concerned about the Commission's conclusory assertion that "rental-related fees [should be] invalid *per se* because they are exploitative" and that "fees make rental housing even more unaffordable and jeopardize access to future housing and financial stability." Housing providers charge fees and other charges that are disclosed to residents in a transparent manner in leasing documents and throughout the lifecycle of the tenancy. These fees include remunerations for services, amenities, offerings, and other activities associated with renting and benefits that residents opt into.

For these reasons, we would appreciate the opportunity to present our positions orally at the upcoming April 24, 2024 hearing.

Sincerely,



Bob Pinnegar  
President and Chief Executive Officer  
NAA



Sharon Wilson Géo  
President  
NMHC