

Real Estate Employers Can Expect Uncertainty Following Election 2020

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Many of the laws and regulations governing employers will be affected by the 2020 Election results. For real estate industry employers specifically, a change in administration could lead to reversals of recently enacted policies — as well as reinstatement of prior administrations' rules and regulations — at federal agencies.

Examples of possible changes include the following:

- Real estate companies subject to the rules and regulations promulgated by the Office of Federal Contract Compliance Programs (*i.e.*, those conducting business with the federal government or federal contractors) could see a reversal of [Executive Order 13950](#) (which curtailed certain harassment and discrimination training). In addition, a potential reintroduction of prior administrations' policies, such as the requirement to report past labor law violations under the [Fair Pay and Safe Workplaces Executive Order](#), could make operations more burdensome.
- The Department of Labor may withdraw [its recently proposed rule](#) that would make it easier for companies to classify individuals as independent contractors. While the IRS and many states have specific laws and regulations concerning real estate agents' employment status, the DOL's withdrawal of its proposed rule would have consequences for the staff of real estate companies and brokers beyond agents.
- Prior administrations' [rules for the Department of Housing and Urban Development](#) concerning disparate impact discrimination and segregation in housing could be reinstated.
- [Changes by the Equal Employment Opportunity Commission](#) to promote conciliation and mediation of discrimination charges may give way to a more aggressive approach toward investigations.

Real estate employers also face the uncertainty of changing guidance regarding COVID-19 safety precautions and extended eviction moratoriums.

Jackson Lewis attorneys will continue to track developments and provide updates. If you have any questions, contact the Jackson Lewis attorney with whom you regularly work.

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