



Government affairs update for the week of February 11, 2024

NAR Fights for Independent Contractor Status for Real Estate Professionals

The National Association of REALTORS® (NAR) is fighting new Federal regulations that threaten the independent contractor status for real estate professionals.

Starting Mar 11, the Department of Labor will have six factors that define an “employee” and “independent contractor” under the Fair Labor Standards Act.

According to the California Association of REALTORS® (C.A.R.), brokers may be responsible for determining the independent contractor status of their agents. C.A.R. will be providing information to brokers about this soon.

Meanwhile, NAR has submitted [two letters](#) asking the Department of Labor to delay implementing the regulations until specific guidance on how to apply the rules to real estate agents is available.

Compensation Lawsuits Town Hall

The National Association of REALTORS® (NAR) has reported that on Feb 1, a notice of a proposed settlement in certain antitrust commission cases was issued.

NAR has stated it is not part of the settlement agreement mentioned in the notice. However, they have provided the following information about the notice:

According to NAR, the notice was sent to consumers about settlement agreements reached between RE/MAX, Keller Williams, or Anywhere and the class action plaintiffs in the Burnett, Moehrl, and Nosalek cases. NAR is not involved in the proposed settlements.

NAR explained the notice gives members of the settlement class information about their options. They also suggested that anyone asking about the RE/MAX, Keller Williams, or Anywhere settlements should consult an attorney.

More information about NAR's position in these and other cases is available [here](#).

To help make sense of this action and other legal activities surrounding how compensation is paid to seller and buyer brokers/agents, Bay East Bay East is holding a virtual Town Hall with Attorney Tom Jacobson, Esq, on Feb 22, at 12pm.

While this is a virtual event, space is still limited. Please secure your spot by [registering](#) ASAP.

If you have any questions about Bay East advocacy activities or any government-related real estate issues you want Bay East to research, contact [David Stark](#), Bay East Chief Public Affairs and Communications Officer.

