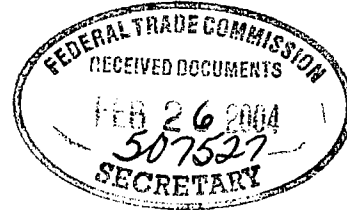


February 25, 2004

ORIGINAL

Catherine Harrington-McBride
Federal Trade Commission
Office of the Secretary
Room 159-H (Annex D)
600 Pennsylvania Avenue, NW
Washington, DC 20580



RE: MONTHLY REGISTRY ACCESS, PROJECT No. R411001

Dear Ms. Harrington-McBride:

The National Multi Housing Council and the National Apartment Association (NMHC/NAA) appreciate this opportunity to submit the following comments in response to The Federal Trade Commission's (FTC) proposal to amend the Telemarketing Sales Rule's (TSR) Do Not Call safe harbor provision (16 CFR 310.4(b)(3)(iv) to require telemarketers to purge from their calling lists telephone numbers appearing on the National Do Not Call Registry within 30 days of registration, rather than within three months as is now required.

NMHC/NAA are commenting on two specific issues: (1) Whether the FTC shall substitute the term "thirty (30) days" for the term "monthly" in describing the new frequency with which telemarketers' must scrub from their call lists telephone numbers entered into the National Do Not Call Registry; and (2) What is an appropriate effective date for the new obligation.

Issue: Substitute the term "thirty (30) days" for the term "monthly."

NMHC/NAA believe that every "thirty (30) days" more accurately describes the regular time period in which telemarketers must scrub from their call lists new additions to the National Do Not Call Registry. Thirty days is a precise term that will reduce potential confusion that may result from implementing a more ambiguous "monthly" requirement. For example, the proposed language change would inform telemarketers that scrubbing must indeed occur every 30 days rather than at any time during a given calendar month.

Issue: Effective date of the proposed amendment.

NMHC/NAA urge the FTC to implement the more frequent scrubbing requirement at least one year from the date the Final Rule appears in the Federal Register. Such a timeline would allow telemarketers adequate time in which to adjust their compliance practices and policies. The proposed change may be a particular burden for small business owners who must adhere to the FTC's Do Not Call Rule with limited resources. Under Small Business Administration (SBA) guidelines, 99 percent of the operators of residential rental housing qualify as small businesses. These small businesses have already sustained increased operating costs as a result of the Do Not Call Registry. Compliance with the new rules necessitates

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greater expenditures to access the Registry and additional working hours. It is too soon to fully assess the total cost burden on small or large apartment operators.

As stated above, NMHC/NAA recommend that the FTC adopt the term "thirty (30) days" and that the Commission implement the proposed amendment not less than one year from the date that it appears in the Federal Register.

The National Multi Housing Council and the National Apartment Association represent the nation's leading firms participating in the multifamily rental housing industry. Our combined memberships are engaged in all aspects of the apartment industry, including ownership, development, management, and finance. The National Multi Housing Council represents the principal officers of the apartment industry's largest and most prominent firms. The National Apartment Association is the largest national federation of state and local apartment associations. NAA is comprised of 164 affiliates and represents more than 30,000 professionals who own and manage more than 4.9 million apartments. NMHC and NAA jointly operate a federal legislative program and provide a unified voice for the private apartment industry.

I thank you for the opportunity to submit comments on behalf of NMHC/NAA, and I look forward to working with the FTC in the future.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Feigin Befus". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.

Elizabeth Feigin Befus
Senior Legislative Analyst