

National Association of Home Builders

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Government Affairs

Lake A. Coulson
Senior Vice President & Chief Lobbyist

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The Honorable Sam Graves
Chairman
Transportation & Infrastructure Committee
2165 Rayburn HOB
Washington, DC 20515

The Honorable Rick Larsen
Ranking Member
Transportation & Infrastructure Committee
2164 Rayburn HOB
Washington, DC 20515

Dear Chairman Graves and Ranking Member Larsen:

On behalf of the more than 140,000 members of the National Association of Home Builders (NAHB), I am writing to convey our strong support for a suite of legislation aimed at providing the necessary clarity and confidence needed under the *Clean Water Act* (CWA) permitting process.

Regrettably, housing production is not keeping pace with demand. Among the significant headwinds facing the home building industry is an unpredictable regulatory landscape that adds costs and reduces the availability of buildable lots—making housing more unattainable. The legislation below respects environmental protections and provides pragmatic solutions to the Section 404 dredge and fill permit program and to Section 402, the National Pollutant Discharge Elimination System (NPDES) program.

- **Rep. Rouzer - The Nationwide Permitting Improvement Act:** Home builders pull some of the highest numbers of Section 404 Nationwide Permits (NWP) issued annually. To assist with planning and permit backlogs—this legislation extends the duration of a NWP from 5 to 10 years and right sizes the acreage threshold for impacts to where the NWP was originally intended.
- **Rep. Collins - The Clarifying Federal General Permits Act:** This bill codifies long-established Waters of the United States (WOTUS) exclusions such as ephemeral features, groundwater, and prior converted cropland that have been included as part of WOTUS regulations over the years. This will provide important predictability and consistency for home builders.
- **Rep. Taylor - The Confidence in Clean Water Permits Act:** This legislation would require permit writers to tie NPDES permit conditions to what happens on their site, rather than what happens downstream to impair receiving waters. This approach allows regulators to explain the measures that home builders must take to comply with their NPDES permit, without imposing numeric discharge limits.

- **Rep. Burlison - The Judicial Review Timeline Clarity Act:** Home builders complying with 404 permits require a level of certainty that their activity will not come to an abrupt halt due to capricious judicial reviews. This bill would place sensible timelines on when these actions may be filed, which will foster certitude when undertaking resource intensive projects.
- **Rep. Hurd – The Jurisdictional Determination Backlog Reduction Act:** The backlog of jurisdictional determinations (JDs) is unnecessarily extending construction timelines and adding costs. This legislation will allocate resources to eliminate this backlog will help home builders obtain timely JDs, which will help housing projects move forward quicker.
- **Rep. Patronis - The Restoring Federalism in Clean Water Permitting Act:** This bill ensures that states will have a viable pathway to assume their own wetlands permitting process. Further, the legislation sets reasonable guidelines on how challenges to a state’s permitting program can proceed.

Home builders support a key pillar of our nation’s infrastructure. Confidence in the CWA permitting regime is a cornerstone to building more housing supply. Combined, these legislative instruments respect environmental safeguards and make significant strides in ensuring clarity and predictability for home builders. NAHB urges the Committee to report out these instruments favorably to the House floor.

Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Lake A. Coulson". The signature is fluid and cursive, with a large initial "L" and "A".

Lake A. Coulson