CONSTITUTIO
SOLUTION

TO AMERICA
HOUSING CRIS

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PACIFIC LEGAL FOUNDATION

PROPERTY RIGHTS: The Cornerstone of Liberty

- Problems may be new, solutions are not.
- Federal and State most constitutions laid foundation for flourishing housing market.
- After a century of rejecting this foundation, it's time to return.
- 5th Amendment: No person shall…be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

PROPERTY RIGHTS: The Cornerstone of Liberty

- 14th Amendment: No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
- AR Const art 2 § 22: The right of property is before and higher than any constitutional sanction; and private property shall not be taken, appropriated or damaged for public use, without just compensation therefor.

PROTECT APPROVALS

- Third Party Challenges to Development Permits Act
  - Prevent legal challenges by unharmed parties from delaying or killing approved projects.
- Fair Zoning Act
  - Ensure small numbers of individuals cannot undo approved zoning changes that promote property rights.

ENSURE GOOD DECISIONS ARE PROTECTED FROM FRIVOLOUS OR UNFAIR OBJECTIONS

GUARDRAILS & TRANSPAREN

- **The Private Property Restoration Act**
  - Require compelling health and safety interest (including nuisance) to limit use of property and ensure strict scrutiny in court when violated.
- **PLUS (Property & Land Use Stability) Act**
  - Prevent property owners from being harmed by limits on current use of property.

FULFILL THE CONSTITUTION'S PROMISES OF LIFE, LIBERTY, AND PROPERTY AND JUST COMPENSATION

- **Permitting Approval Timeliness Act**
  - Allow localities to have unique systems but place reasonable timelines for processing approvals to ensure predictability and participation.
- **By-Right Housing Development Act**
  - If project applications follow all local rules, they cannot be unfairly delayed or prevented by subjective reviews.
- **Golden Girls Act**
  - Protect the right to have roommates.

EXACTIONS REFORM

- **The Safe Harbor from Excessive Exactions Act**
  - US Supreme Court has said exactions must be proportional to an impact or harm; this bill requires localities to show the work on impact and creates a record to protect both parties should litigation arise.
- **Ending Housing Extortion Act**
  - Stop the misguided practice of extorting money from individuals or businesses in the name of creating "affordable" housing.

KEEP GOV'T FROM HOLDING PROPERTY HOSTAGE

Handout

Contact