



CONSTITUTIONAL SOLUTIONS

TO AMERICA'S HOUSING CRISIS

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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 & TRANSPARENCY

- 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



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