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Wisconsin Realtors Association: Homeowners' Bill of Rights would be big victory for property rights

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Statement by Michael Theo, President & CEO

Madison – In response to several unfavorable court cases, the rights of property owners to use and enjoy their property will be restored and protected by legislation (referred to as the Homeowners' Bill of Rights) introduced by Representative Adam Jarchow (R-Balsam Lake) and Senator Tom Tiffany (R-Hazelhurst).

The U.S. and Wisconsin Supreme Courts have decided several important property rights cases within the last several months against the interests of property owners — *Murr v. Wisconsin* (substandard lots/regulatory takings), *AllEnergy v. Trempeleau County* (conditional use permits), and *McKee v. City of Fitchburg* (vested rights). Among other things, these cases demonstrate the need to develop a statutory framework at the state level to protect property rights and address development approval processes at the local level that have become increasingly more subjective, arbitrary and unfair to property owners.

Among other things, the Homeowners' Bill of Rights legislation would:

·Grandfather all substandard lots by allowing them to be sold or built upon according to existing building code requirements

·Require local governments to grant conditional use permits if the property owner

satisfies or agrees to satisfy all related conditions and requirements.

·Clarify that regulatory takings can occur if a regulation eliminates most, but not all, reasonable use of a property.

The Wisconsin REALTORS® Association supports the Homeowners' Bill of Rights legislation to protect the rights of property owners to have reasonable use and enjoyment of their property. We look forward to working with Governor Walker and lawmakers from both parties and in both houses of the legislature to enact these proposed changes into law.