



NATIONAL ASSOCIATION OF REALTORS®

*The Voice For Real Estate®*

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June 7, 2006

Subcommittee on the Constitution  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative:

I am writing on behalf of more than 1.3 million members of the National Association of REALTORS® (NAR) to express our strong support for H.R. 4772, the "Private Property Rights Implementation Act of 2005." The bill, which has bi-partisan support, helps ensure due process for property owners when their rights have been violated and their property taken. It clears procedural hurdles that affect property owners' access to justice and gives them their "day in court" to protect their rights. The House of Representatives passed similar legislation in 1997 (H.R. 1534) and 2000 (H.R. 2372).

Currently, property owners do not have the option of directly pursuing a Fifth Amendment claim in federal court. They first must exhaust all possible state and local administrative remedies. This is an expensive, time-consuming process that has left property owners in limbo for many years. H.R. 4772 shortens the process by clearly defining a final agency action, thereby eliminating a cycle of potentially endless appeals. The bill does not change the way that agencies resolve disputes. Rather, it simply describes when a "final agency action" has occurred so that the case can be heard on its merits in federal court.

This bill applies only to federal claims filed in federal court by property owners seeking relief from violations of federal statutory and Constitutional law. It does not give federal courts new authority on questions that are legitimately under state court purview. H.R. 4772 does not mandate compensation, nor does it impose additional burdens on state or local governments. This bill provides a fair and moderate approach to give certainty for property owners who want to use their land and gives them their day in court to protect their rights. The National Association of REALTORS® supports H.R. 4772. Please support this bill when it comes before the subcommittee for a vote.

Sincerely,

A handwritten signature in black ink that reads "T. Stevens".

Thomas M. Stevens, CRB, CRS, GRI  
2006 President, National Association of REALTORS®