



NATIONAL ASSOCIATION OF REALTORS®

The Voice For Real Estate®

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July 11, 2006

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," which will be considered by the Committee on the Judiciary on Wednesday, July 12. The bill, which has bipartisan support, would help ensure due process for property owners when their rights have been violated and their property has been taken. This legislation would clear 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. The existing process, which is expensive and time-consuming, has left property owners in limbo for many years. H.R. 4772 would shorten the process by clearly defining a final agency action, thereby eliminating a cycle of potentially endless appeals. The bill would not change the way that agencies resolve disputes. Rather, it would simply describe when a "final agency action" has occurred so that the case can be heard on its merits in federal court.

This bill would apply only to claims filed in federal court by property owners seeking relief from violations of federal statutory and Constitutional law. H.R. 4772 would not give federal courts new authority on questions that are legitimately under state court purview. H.R. 4772 would not mandate compensation, or impose additional burdens on state or local governments. This bill would provide a fair and moderate approach for property owners who want to use their land and give them their day in court to protect their rights. The National Association of REALTORS® supports H.R. 4772 and asks you to vote for the bill on Wednesday.

Sincerely,

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