



WISCONSIN LEGISLATURE

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For Immediate Release

June 8, 2016

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TIFFANY AND JARCHOW ROLL OUT 'HOMEOWNERS' BILL OF RIGHTS'

Bay City, WI... During a press conference on Wednesday, Sen. Tom Tiffany (R-Hazelhurst) and Rep. Adam Jarchow (R-Balsam Lake) rolled out their initiative called the "Homeowners' Bill of Rights." The press conference was held on the land of Dave Meixner, whose property is at risk of being taken in the name of eminent domain.

Tiffany and Jarchow released the following joint statement:

"Homeownership is the foundation of the American Dream. Studies consistently show that homeowners enjoy a significantly higher net worth than non-homeowners. That is why we believe more should be done to protect and encourage families to become homeowners. Unfortunately, the creep of overbearing government at all levels has imperiled property rights and homeownership. It's time for reform that protects and defends home owners and by extension, the American Dream. We support the following goals that make up the Home Owners Bill of Rights."

The Homeowner's Bill of Rights

1. **Controlling Property Taxes.** Controlling property taxes has been a priority over the past five years for Republicans. Protecting homeowners from rising property taxes will be a continued priority. We will look for ways to keep property taxes in check and reduce them if possible. Families and senior citizens should not be forced to choose between paying property taxes and keeping their family home.

- Property taxes rose \$1.5 Billion (27% increase) from 2000-2010.
- However since 2011, the typical homeowner has seen about a 4% decrease.



2. **Broadband Access.** Fast, reliable broadband access is a must for economic growth. Studies show economic growth follows greater broadband access. While Republicans have consistently increased funding for broadband and streamlined rules, more can be done. We should have simple, affordable, streamlined, consistent permit structure.

- Bureaucratic red tape often hampers broadband expansion.
- Streamlining the permitting process and cutting regulatory costs will stretch Wisconsin's broadband expansion grants.

3. **Energy Security and Affordability.** It doesn't do much good to own a home if you can't heat it or pay the light bill. Most of us recall the pain caused by the spike in propane costs a few years ago in the middle of a harsh winter. We want to make sure this does not happen again. Every tool should be used to make sure energy is readily available and affordable. This includes ensuring an affordable supply and delivery system for propane and other energy.

- Wisconsin should reexamine its transportation system to ensure efficient and reliable supply and delivery.
- We need to fill the gaps around the state where storage facilities for propane are lacking.

4. **Eminent Domain (Takings) Reform.** We are dismayed to hear stories of Wisconsinites being subjected to the taking of their homes or property by the all-powerful government in order to build amenities like parks and trails or the taking of property from private citizens in the name of economic blight for private development. Parks and trails are good for Wisconsin, but not at the expense of someone's home. It is time to protect homes from government land-grabs and define "blight."

- The 2005 United States Supreme Court Kelo decision outraged residents across the county and led to sweeping changes from state legislatures.

- Property owners need additional protections from takings like we are seeing across Wisconsin.

5. **Regulatory Takings Reform.** Losing property rights to unreasonable regulation at the local, state, and federal level is an all too common occurrence. It's time for reform. If government thinks a non-essential regulation that infringes on property rights is important, it should be prepared to compensate the homeowner for the infringement.

- Compensation should be considered when significant regulatory takings occur that do not deprive property owners from all reasonable use.
- *McKee Family I, LLC v. City of Fitchburg* – city downzoned property resulting in property owner having to build significantly fewer units on property than when the property was purchased.

6. **Reducing Regulatory Barriers to Homebuyers.** Many dimensions of the regulatory process inflate housing prices while accomplishing little to no benefit. Regulations are necessary for the public good, however, distinguishing regulations that protect and serve the public good, despite their negative effects on housing prices, from other regulatory barriers is a challenge.

- A study from the Nation Association of Home Builders shows that, on average, government regulations account for 24.3% of the final price of a new single-family home.
- Supply of new homes is driving up home prices and limiting first-time homebuyers.

7. **Right to Fly the Flag.** It is disturbing when property owners are told by homeowners associations that they may not fly the American or Wisconsin flag. We will end that insanity.

- It is our intent to build upon United States House Resolution 42 and protect Wisconsin citizens' right to fly our flags.

8. **Privacy.** “A man's home is his castle”. The 4th Amendment exists to protect innocent homeowners and property owners. Except in extraordinary circumstances, any search of an individual's property or home should only be allowed with a warrant based on probable cause. The warrant requirement brings important checks and balances to the process.

- Proposed property sweeps by a local lake association have highlighted the lengths by which private property rights are under assault.
- DNR Guidance encourages neighbors to spy on each other

9. **Grandfathering.** A case before the United States Supreme Court from St. Croix County has shown how property owners can lose their rights as rules change. It is time to broaden the concept of grandfathering to issues like substandard lots, so property owners do not lose rights just because the rules changed. If a use was legal when you purchased the property, it should be respected.

- The Murr case in St. Croix County is an example of a forced merger of two lots that eliminates the economic viability of the other.

10. **Smart Growth Reform.** We believe we can strengthen property owner protections in the Smart Growth law to make sure the law is being used to facilitate and encourage economic development. One potential way to accomplish this is to incorporate a private property rights element into comprehensive plans.

- We will continue to build on the successes of the previous session, specifically 2015 Wisconsin Act 391 related to conditional use permits not needing to be consistent with the local unit of governments comprehensive plan and the enacting of a “down zoning ordinance.”