

PRIVATE PROPERTY RIGHTS

The Nebraska REALTORS® Association seeks to ensure that government does not unconstitutionally limit an individual's opportunity to possess, develop and transfer real property. The right of individuals to own, buy and sell property is a fundamental right under our form of government, and the Association has strongly resisted an intrusion into that right. The Association remains steadfast in opposition to proposals that would unduly restrict the rights of individuals, partnerships or corporations to own, buy or sell real estate.

EMINENT DOMAIN

The power of government to exercise eminent domain is one of the most significant powers vested in any government entity. The right of individuals in the United States to own property is protected at all levels of our society and hence any expansion of eminent domain authority must be carefully examined. It is necessary to ensure that any such taking can only be done for a "demonstrated public purpose." Existing eminent domain laws strike a balance between the necessity for government to occasionally acquire property and the right of the landowners to be fairly compensated. Any proposed change that would strike at this balance would be resisted by the Association.

AFFORDABLE HOUSING

The Association recognizes adequate levels of affordable housing are a problem in many parts of the state and the Association is strongly in support of the efforts of the Nebraska Investment Finance Authority (NIFA) and the Nebraska Legislature in this area. The Association strongly supports the development of effective rural housing initiatives, workforce housing initiatives, and incentives that promote affordable housing.

ENVIRONMENTAL HAZARDS

Environmental hazards are a serious public issue, particularly affecting the lives of our nation's children. The Nebraska REALTORS® Association is committed to supporting efforts to identify and reduce this potential threat, while at the same time protecting private property rights and the values of private property. The Association is supportive of educational efforts to benefit all homeowners regarding environmental hazards, and is therefore, strongly in favor of disclosure of environmental hazards. However, the Association strongly opposes mandatory testing for environmental hazards, and we oppose standards that are stricter than federal regulations.

POLITICAL INVOLVEMENT AND CONTRIBUTIONS

The right of individuals to participate in our democratic process is one of our most sacred and fundamental rights. The Association will oppose attempts to limit an individual's right to participate in the elective process. We strongly resist attempts to limit campaign contributions and hence impede an individual's right to make his views known and to support the candidate of his or her choice. This participation includes economic participation as well.

SALES TAX ON SERVICES

Resolved, that the Nebraska REALTORS® Association opposes the application of state or local sales tax on rent or real estate services and other professional services, including real estate broker commissions, title searches, appraisals, home inspections, property management services, and any other services related to the real estate transaction. NRA finds that the impact of such taxation places an undue burden on homeowners and other consumers of real estate services, falls disproportionately on the real estate sector, and is ultimately detrimental to state and local economies.

INDEPENDENT CONTRACTOR STATUS

The Nebraska REALTORS® Association is committed to protecting the independent contractor status of real estate agents, and will oppose any legislation or regulation which will jeopardize that portion of the Internal Revenue Service Code.

PROPERTY TAXES

The Nebraska REALTORS® Association supports efforts to reduce property taxes by decreasing the spending of local political subdivisions through more efficient governmental operations at the local level. The Association encourages the Legislature to pass legislation that would assist in accomplishing these objectives. The Association further opposes a shift in the tax burden to other sources of revenue including service taxes, income taxes, and sales taxes, because such a shift would significantly restrict the economic growth necessary to the economic interest of property owners and our industry. Finally, the Association cautions the unfair shifting of the property tax burden between classifications of real property.

NEBRASKA REAL ESTATE COMMISSION

The Association supports a strong and viable Real Estate Commission. Such a Commission ensures quality performance by all licensees. It also provides a forum for the public to discuss and report any issues or concerns it might have regarding dealings with licensed individuals. The Nebraska Real Estate Act and the Commission has well served the profession and the public over the years. The Association supports reasonable attempts to strengthen the Act and to ensure proper oversight. The Association is opposed to statutes requiring the use of licensing fees to support the State General Fund.

PROPERTY REGULATORY INTERPRETATIONS "TAKINGS"

In addition to being able to own land is the ability to control the use of the land. A zoning change, condemnation, environmental regulation, inappropriate regulatory interpretation, change in design standards, or similar restrictions or new standards that limit the use of private land is a "partial taking" of that land. The Nebraska REALTORS® Association supports the right of the property owner to be justly compensated by a local, state or federal governmental entity for a "partial taking" of private property to the degree to which the land use is restricted.

LIABILITY AND TORT REFORM

Litigation is a price we pay for being a society of laws and not of man. The proliferation of liability litigation in the last decade has placed an increasing burden on many businesses that are potential defendants in vexatious suits. While it is important to preserve an individual's right to recover damages when wronged, it is equally important to ensure that innocent parties are not subjected to economic hardship or defending trivial lawsuits. Additionally, the Association supports legislation which would protect directors of nonprofit corporations from liability for their actions. It is important that people serve their community and have positions on such boards without the fear of personal liability for their acts or omissions.

TRANSFER TAX

Resolved, that the Nebraska REALTORS® Association is opposed to taxes on real estate transfers because it inhibits the buying and selling of real estate, makes housing less affordable, and supports public services that benefit the many by taxing the few.

TAX INCREMENT FINANCING (TIF)

Resolved, that the Nebraska REALTORS® Association supports tax increment financing as an economic development tool to cure blight and substandard conditions of our cities and towns and promote affordable housing and vibrant commercial or industrial reuse. NRA opposes any measures that restrict or impede the ability of a community to use tax incremental financing (TIF) as a state authorized public funding mechanism for cities to use to help pay for public improvements associated with redevelopment projects in blighted and substandard areas; and supports any measure which enhances its use.