

VOTE NO!!! SENATE BILL 707 (Surovell)

Bill is Unconstitutional, Anti-Property Rights & is A Free-for-All in Neighborhoods

Background -- Section 55-513.2 of the Property Owners' Association Act was enacted by the General Assembly in 2013, expressly permitting home-based businesses complying with local ordinance, except to the extent the declaration provides otherwise.

- Senate Bill 707 **is potentially unconstitutional** because it seeks to abrogate (negate) existing covenants. **But even if it is ruled constitutional, it is bad law that tramples individual personal property rights.**
- Existing law provides sufficient opportunity for homeowners to obtain and review covenants before purchasing a home. Homeowners purchase property in reliance upon restrictions – homebuyers want to know that the property next door will NOT be used as a commercial enterprise.
- Significant ramifications if SB 707 becomes law:
 - **Prevents communities from upholding and enforcing recorded governing documents by allowing home based businesses of any type regardless of restrictions in the governing documents.**
 - **Allows commercial enterprise without regard to character and nature of a neighborhood - that will affect quiet enjoyment of property – increased traffic, noise, strain on common facilities, potential liability.**
 - **Creates uncertainty about activities that are considered residential – opens the door for other non-residential activities to be conducted in residential communities.**
 - **Erodes the ability of communities to self-govern, as intended and mandated by governing documents.**
- Existing law allows owners to make the decision to permit or prohibit home-based businesses by amending the covenants for the community. Owners should make the decisions and be able to efficiently solve local disputes – the General Assembly does not want to get involved every time a homeowner does not play by the rules that have been approved.
- Not all commercial uses are appropriate for a home-based business. And homeowners are entitled to expect that their neighbors will not conduct a business that affects their use and enjoyment of their homes. Homeowners want and expect reasonable rules that protect the value and integrity of their homes and the neighborhood. **Ignoring the rules because you simply don't like them is not a valid argument for asserting individual property rights – rather it is lawlessness and unfair to other homeowners in the neighborhood.**
- Commercial uses can create traffic – both vehicular and pedestrian, burden common facilities, including parking, create noise, operate during odd hours, increase the use of utilities or amenities in the community and thereby expense – these uses are not home-based businesses. **The best “judge” on this issue are localities and the owners who live in the community because they are best situated to evaluate impact on the neighborhood.**

Protect individual property rights – VOTE NO on SB 707 (Surovell).

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