

Submitter: D Torres
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure, Appointment or Topic: SB599

Prohibits landlords from inquiring about or disclosing immigration status or rejecting an applicant due to immigration status. Prohibits discrimination based on immigration status for real property transactions.

This mentality strips constitutional rights from landowners. The Constitution protects property rights through the Fifth and Fourteenth Amendments' Due Process Clauses and, more directly, through the Fifth Amendment's Takings Clause: "nor shall private property be taken for public use without just compensation." There are two basic ways government can take property: (1) outright, by condemning the property and taking title; and (2) through regulations that take uses, leaving the title with the owner — so-called regulatory takings.

This bill is a form of "regulatory taking" where the owner is not compensated for losses or inadequately compensated. Property is the foundation of every right we have, including the right to be free. This bill takes away the right of the owner to protect his property. Through common law, state law, and the Constitution, it protected property rights — the rights of people to acquire, use, and dispose of property freely. The basic rights the founders recognized, beyond acquisition and disposal, were the right of sole dominion — variously described as a right to exclude others, a right against trespass, or a right of quiet enjoyment, which all can exercise equally at the same time and in the same respect — and the right of active use, at least to the point where such use violates the rights of others to quiet enjoyment.