

# Pass the House's Version of the Housing Bill

Amendment to H.R. 6644, *The 21<sup>st</sup> Century ROAD to Housing Act*

## THE ASK

Pass the House amendment to H.R. 6644. It will increase housing supply, promote needed housing reforms—and eliminate the Senate's unconstitutional forced-sale provision from final legislation.

**The Senate's version of housing legislation is unconstitutional. The House's version is legal.**

Congress can address the housing crisis without violating private property rights by removing the Senate's forced-sale mandate while preserving important housing supply reforms.

**The House amendment advanced by Chairman French Hill (R-AR) and Ranking Member Maxine Waters (D-CA) makes three key improvements:**

- Removes the forced sale of private property based solely on the type of owner.
- Enhances multifamily financing tools to support housing production.
- Provides relief to community banks.

## THE CONSTITUTIONAL PROBLEM

A [white paper](#) by former [U.S. Solicitor General Paul Clement](#) concludes the Senate forced-sale provision—mandating private property owners to sell “build-to-rent” homes to other private owners is **unconstitutional under the Fifth Amendment's Takings Clause**.

- The Takings Clause allows government to “take” private property only for “public use” and with “just compensation” paid by the government.
- The Senate's forced-sale provision meets neither requirement.
- The Constitution does not allow government to force the sale of property from one private party to another private party – because it would not be for “public use.”
- Only the government can pay “just compensation” for a taking. That is the only remedy the Constitution allows. But the Senate's “forced sale” provision also ignores this imperative.
- The defect is the forced-sale concept itself. A longer “hold period” would not cure the legal problem.

### WHY IT MATTERS

- Avoids years of constitutional litigation that could further diminish housing availability and slow economic activity.
- Protects the private capital needed to build more homes at a time of severe shortages.
- Keeps the legislation focused on expanding supply and modernizing key housing programs.

### THE STAKES FOR SUPPLY

- [National Association of Home Builders](#) estimates the provision could prevent construction of **40,000 homes per year**.
- [Urban Institute](#) analysis suggests new construction could fall by as much as **72,000 homes**.
- Congress should encourage new development - not deter it with constitutionally flawed forced sales.

**Bottom line:** *The House amendment preserves bipartisan housing reforms while protecting constitutional property rights. Congress should pass it and keep the forced-sale mandate out of the final bill.*