



Government affairs update for the week of August 23, 2026

NAR Backs Property Owners in Supreme Court Cases

This week, the National Association of REALTORS® (NAR) asked the U.S. Supreme Court to review two [property-rights cases](#) that could determine how quickly owners can challenge government actions that limit the use of their property.

One case involves a Maryland property owner who was prevented from installing the well and septic system needed to build a home, even after spending nearly \$40,000 pursuing permits and approvals. The other involves owners of a rent-regulated New York apartment building who argue government restrictions have left the property operating at a loss. In both cases, lower courts ruled that the owners must pursue additional administrative remedies before their constitutional claims can be heard.

There is a local connection. Local rental housing providers challenged the Alameda County COVID-era eviction moratorium, arguing the restrictions were an unconstitutional taking of private property. While the legal issues are not identical, potential Supreme Court action could clarify when property owners affected by government regulations like Alameda County's moratorium can take their constitutional claims to court.

NAR argued property owners should not have to spend years navigating government procedures before gaining access to the courts. Lengthy government approval processes can also increase costs, discourage housing investment and development, and limit housing supply.

How this impacts your business: Supreme Court decisions in these cases could provide greater clarity about when property owners can challenge government restrictions affecting the use of their real estate. Stronger and more predictable access to the courts could also influence how state and local governments develop and implement future housing and property regulations.

If you have any questions about Bay East advocacy activities or any government-related real estate issues you want Bay East to research, contact [David Stark](#), Bay East Chief Public Affairs and Communications Officer.



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