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NOVEMBER 22, 2023

CITIZEN ACTION DEFENSE FUND FILES THREE AMICUS BRIEFS IN THE U.S. SUPREME COURT

In a zealous effort to preserve Washingtonians' rights regarding property and land use, CADF has urged SCOTUS to review two cases, and to rule in the owner's favor in a case on the merits

Olympia, Washington — NOVEMBER 22, 2023 — This past week alone, Citizen Action Defense Fund has filed **three** *amicus* briefs with the U.S. Supreme Court, urging them to uphold a number of constitutional property rights.

Yim v. City of Seattle

CADF, joined by the Washington Business Properties Association (“WBPA”), filed an *amicus* brief in *Yim v. City of Seattle* on Monday, November 13. Advocating on behalf of several small landlords, the brief petitioned the Court to review and invalidate Seattle’s Fair Chance Housing Ordinance (“FCHO”), which, among other things, prohibits landlords from asking tenant applicants about their criminal histories (except for certain sexual offenses).

“It is outrageous that the City of Seattle would force rental owners, including single women and families with children, to live in extreme proximity to criminal tenants without giving them a chance to make the decision themselves,” said Jackson Maynard, Executive Director of CADF. “On top of that, the ordinance is a clear violation of the longstanding ‘right to exclude,’ which has been a fundamental property right for centuries.”

Preserve Responsible Shoreline Management v. City of Bainbridge Island

Once again joined by WBPA, CADF, alongside the Building Industry Association of Washington (“BIAW”), filed a brief in *Preserve Responsible Shoreline Management v. City of Bainbridge Island* on Tuesday, November 14. The case was initially filed after the City of Bainbridge revised its Shoreline Management Program and greatly expanded the size of its “standardized shoreline buffer,” doing so after merely “considering” the scientific data, even after its own expert warned that the data Bainbridge relied upon was “dated and lacked accuracy,” and included substantive “data gaps.”

The brief argues that the lack of clarity surrounding existing caselaw and legal tests related to so-called “exactions” --in which government demands permit-seekers surrender certain constitutional or property

rights in exchange for approval-- has led to constant confusion among the lower courts. This, in turn, has given them leeway to endorse governmental overreach, particularly as it pertains to property rights.

“Cases like this indicate governments are supporting restrictions on property development by any means necessary – including by, in this case, pushing the limits of what it considers proper ‘science’ in order to accomplish that goal,” said Sam Spiegelman, Associate Counsel at CADF.

Sheetz v. El Dorado County

CADF, WBPA, and SoundBuilt Homes, LLC banded together to file an amicus brief in *Sheetz v. El Dorado County* on November 20, 2023 on behalf of George Sheetz, a resident of El Dorado. Sheetz submitted a request to the county to build a modest fabricated house on his property, and in response, the county demanded Sheetz surrender \$23,420 to help finance unrelated road improvements in exchange for approval of his request.

“The classic demand in a stick up by a common criminal is ‘Your money or your life.’ Here a local government is extorting tens of thousands of dollars from a prospective homeowner for trying to build his American Dream,” said Maynard. “We urge the Court to clarify the existing legal tests to ensure proportionality and reason apply to impact fee costs so that people like George Sheetz aren’t stuck funding local government’s insatiable appetite for revenue.”

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