

SUPREME COURT OF MISSISSIPPI

Mississippi Manufactured Housing Association v. Board of Aldermen
of the City of Canton, Mississippi

870 So. 2d 1189 (Miss. 2004) · No. No. 2002-CA-02092-SCT · Decided April 15, 2004

SUMMARY

The Supreme Court of Mississippi held that the Mississippi Manufactured Housing Association had standing to challenge the City of Canton's zoning decision restricting manufactured housing developments. Applying the federal three-part test for associational standing within Mississippi's more liberal standing requirements, the court concluded that the association's members could be adversely affected, the interests were germane to the association's purpose, and individual member participation was unnecessary. The court reversed the circuit court's dismissal and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Waller, Presiding Justice; Waller, P.J.; Cobb, P.J.; Graves, J.; Smith, C.J.; Easley, J.; Carlson, J.; Dickinson, J.
JURISDICTION	Mississippi
DECIDED	April 15, 2004
DOCKET	No. 2002-CA-02092-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Mississippi Manufactured Housing Association appealed the circuit court's dismissal of its bill of exceptions challenging the City of Canton's zoning decision. The dismissal was based on lack of standing.
STANDARD OF REVIEW	Questions of law are reviewed de novo. On a motion to dismiss, the allegations are taken as true, and dismissal is improper unless it appears beyond a reasonable doubt that the plaintiff cannot prove any set of facts supporting the claim.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential.
PARTIES	Mississippi Manufactured Housing Association v. Board of Aldermen of the City of Canton, Mississippi

TOPICS

standing zoning municipal law appellate procedure motions to dismiss

PRACTICE AREAS

municipal law land use and zoning civil procedure appellate procedure

QUESTIONS PRESENTED

1. Whether the Mississippi Manufactured Housing Association had standing to appeal the City's zoning decision under Mississippi's statutory and associational-standing principles.
2. Whether the City waived or was judicially estopped from challenging MMHA's standing based on MMHA's participation in the municipal hearing.

HOLDINGS

1. MMHA had standing to appeal the City's zoning decision because Mississippi adopts the federal three-part test for associational standing, interpreted in light of Mississippi's more liberal standing requirements, and the record allegations satisfied that test.

KEY QUOTATIONS

"We expressly adopt the federal test for associational standing to be interpreted under Mississippi's more liberal standing requirements and find that MMHA has standing to appeal the City of Canton's zoning decision." (1195)

FACTUAL BACKGROUND

The City of Canton revised its comprehensive plan, zoning map, and zoning ordinances in anticipation of population growth associated with a new Nissan plant. The proposed zoning restrictions limited the areas in which manufactured housing could be placed. The Mississippi Manufactured Housing Association, a nonprofit organization representing participants in the manufactured housing industry, objected at the City's public hearing and later challenged the zoning decision, asserting that at least one member owned property and operated a manufactured-housing retail center in Canton.

PROCEDURAL HISTORY

The City of Canton adopted a comprehensive plan, zoning ordinance, and zoning map restricting manufactured housing developments. MMHA filed a bill of exceptions in the Circuit Court of Madison County seeking to set aside the City's decision. The circuit court dismissed the bill for lack of standing, and MMHA appealed to the Supreme Court of Mississippi, which reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the Circuit Court of Madison County for further proceedings consistent with the opinion.

CASES CITED

- Burgess v. City of Gulfport, 814 So. 2d 149, 151-53 (Miss. 2002)
- T.M. v. Noblitt, 650 So. 2d 1340, 1342 (Miss. 1995)
- Belhaven Improvement Ass'n, Inc. v. City of Jackson, 507 So. 2d 41, 47 (Miss. 1987)
- Douglaston Civic Ass'n v. Galvin, 36 N.Y.2d 1, 364 N.Y.S.2d 830, 324 N.E.2d 317 (1974)
- Hunt v. Washington State Apple Advertising Comm'n, 432 U.S. 333, 343 (1977)
- Tallahatchie Valley Electric Power Ass'n v. Mississippi Propane Gas Ass'n, 812 So. 2d 912, 922 (Miss. 2002)
- Colorado Manufactured Housing Ass'n v. Pueblo County, 857 P.2d 507, 510-11 (Colo. Ct. App. 1993)
- Tex. State Employees Union/CWA Local 6184 v. Tex. Workforce Comm'n, 16 S.W.3d 61, 69 (Tex. App. 2000)
- Bama Budweiser of Montgomery, Inc. v. Anheuser-Busch, Inc., 783 So. 2d 792 (Ala. 2000)
- 312 Education Ass'n v. U.S.D. No. 312, 273 Kan. 875, 47 P.3d 383 (2002)
- Aged Hawaiians v. Hawaiian Homes Comm'n, 78 Hawai'i 192, 891 P.2d 279 (1995)
- Louisiana Hotel-Motel Ass'n, Inc. v. East Baton Rouge Parish, 385 So. 2d 1193 (La. 1980)
- Modified Motorcycle Ass'n of Mass., Inc. v. Commonwealth, 60 Mass. App. Ct. 83, 799 N.E.2d 597 (2003)
- Missouri Outdoor Advertising Ass'n, Inc. v. Missouri State Highways & Transportation Commission, 826 S.W.2d 342 (Mo. 1992)
- Forest Guardians v. Powell, 130 N.M. 368, 24 P.3d 803 (Ct. App. 2001)
- Creek Pointe Homeowner's Ass'n, Inc. v. Happ, 146 N.C. App. 159, 552 S.E.2d 220 (2001)
- Beaufort Realty Co. v. Beaufort County, 346 S.C. 298, 551 S.E.2d 588 (Ct. App. 2001)
- Parker v. Town of Milton, 169 Vt. 74, 726 A.2d 477 (1998)