

SUPREME COURT OF THE UNITED STATES

Warth v. Seldin

422 U.S. 490 (1975) · No. No. 73-2024 · Decided June 25, 1975

SUMMARY

The Supreme Court affirmed dismissal of a challenge to Penfield, New York's allegedly exclusionary zoning practices because the individual, taxpayer, and organizational petitioners had not adequately demonstrated standing. The Court explained constitutional and prudential standing requirements, including personal injury, causation, redressability, and limits on asserting the rights of third parties. It held that low- and moderate-income plaintiffs challenging exclusionary zoning must allege specific, concrete facts showing personal harm and a tangible benefit from judicial relief.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Powell; Chief Justice Burger; Justice Douglas; Justice Brennan; Justice Stewart; Justice White; Justice Marshall; Justice Blackmun; Justice Rehnquist
JURISDICTION	Federal
DECIDED	June 25, 1975
DOCKET	No. 73-2024
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioners sought review of a judgment affirming dismissal of their action challenging Penfield's allegedly exclusionary zoning practices. The Supreme Court granted certiorari and affirmed.
STANDARD OF REVIEW	On a motion to dismiss for lack of standing, courts must accept as true the complaint's material allegations and construe the complaint in the plaintiff's favor, while permitting further particularized allegations by amendment or affidavit. Standing is reviewed under Article III case-or-controversy requirements and prudential limitations.
PRECEDENTIAL VALUE	binding
PARTIES	Metro-Act of Rochester, Inc., Vinkey, Reichert, Warth, Harris, Ortiz, Broadnax, Reyes, Sinkler, Rochester Home Builders Association, Inc., Housing Council in the Monroe County Area, Inc. v. Town of Penfield,

TOPICS

standing subject matter jurisdiction civil procedure fourteenth amendment municipal law

PRACTICE AREAS

civil procedure constitutional law civil rights municipal law land use and zoning

QUESTIONS PRESENTED

1. Whether the individual low- and moderate-income petitioners alleged a sufficiently concrete and causally connected injury to establish Article III standing to challenge Penfield's exclusionary zoning practices.
2. Whether Rochester taxpayer-petitioners had standing to challenge Penfield's zoning practices based on an alleged indirect increase in Rochester taxes and on the asserted rights of excluded third parties.
3. Whether Metro-Act had standing to represent Penfield residents allegedly deprived of the benefits of an integrated community.
4. Whether Rochester Home Builders Association had associational standing to seek damages and prospective relief for its members.
5. Whether Housing Council had standing to be added as a party-plaintiff based on the prior unsuccessful development effort of one member.
6. What allegations and evidentiary showing are required when standing is challenged by motion to dismiss.

HOLDINGS

1. A plaintiff challenging exclusionary zoning must allege specific, concrete facts showing that the challenged practices personally harmed the plaintiff and that the plaintiff would benefit tangibly from judicial relief. The individual petitioners did not adequately allege an actionable causal relationship between Penfield's zoning practices and their inability to obtain housing there.
2. Rochester taxpayers lacked standing because their alleged increased tax burden was conjectural and indirectly resulted from decisions of Rochester authorities, and they sought to assert the constitutional and statutory rights of persons excluded from Penfield.
3. An association may sue in its own right for injury to itself and may represent its members when the members would have standing individually and the nature of the claim and relief does not require individual participation by every injured member.
4. Metro-Act lacked standing to assert that its Penfield-resident members were harmed by the exclusion of other persons from an integrated community because no applicable statute granted those members a right of action and the asserted injury was an attempt to raise the rights of third parties.

5. An association may not seek damages for injuries peculiar to individual members when the association has suffered no monetary injury itself and has no assignment of its members' damages claims.
6. Home Builders and Housing Council lacked standing to seek prospective relief because the pleadings did not identify a current, concrete, and sufficiently immediate project or controversy involving their members.
7. When deciding a motion to dismiss for lack of standing, courts must accept the complaint's material allegations as true and construe the complaint in the plaintiff's favor, while permitting further particularized allegations by amendment or affidavit; if standing remains unsupported by the record, dismissal is required.

KEY QUOTATIONS

“As an aspect of justiciability, the standing question is whether the plaintiff has alleged such a personal stake in the outcome of the controversy as to warrant his invocation of federal-court jurisdiction and to justify exercise of the court's remedial powers on his behalf.” (422 U.S. at 498-499)

“For purposes of ruling on a motion to dismiss for want of standing, both the trial and reviewing courts must accept as true all material allegations of the complaint, and must construe the complaint in favor of the complaining party.” (422 U.S. at 501-502)

“We hold only that a plaintiff who seeks to challenge exclusionary zoning practices must allege specific, concrete facts demonstrating that the challenged practices harm him, and that he personally would benefit in a tangible way from the court's intervention.” (422 U.S. at 508)

“The possibility of such representational standing, however, does not eliminate or attenuate the constitutional requirement of a case or controversy.” (422 U.S. at 511)

FACTUAL BACKGROUND

Petitioners challenged the Town of Penfield's zoning ordinance and its administration, alleging that the ordinance concentrated vacant land in single-family housing, imposed requirements that made low- and moderate-cost housing economically infeasible, and was enforced to exclude low- and moderate-income and minority residents. Individual petitioners alleged that they could not obtain suitable housing in Penfield, Rochester taxpayers alleged increased tax burdens, and housing associations alleged lost development opportunities and profits. The associations and individuals sought declaratory, injunctive, class, and monetary relief.

PROCEDURAL HISTORY

The District Court for the Western District of New York held that the original plaintiffs, Rochester Home Builders Association, and Housing Council lacked standing, denied the motions to add Housing Council and permit Home Builders to intervene, held that the complaint failed to state a claim, declined to allow a class action, and dismissed the case. The Court of Appeals for the Second Circuit affirmed on standing grounds. The Supreme Court affirmed for reasons differing in some respects from the Court of Appeals.

DISPOSITION

affirmed

CASES CITED

- Barrows v. Jackson, 346 U.S. 249 (1953)
- Schlesinger v. Reservists to Stop the War, 418 U.S. 208 (1974)
- United States v. Richardson, 418 U.S. 166 (1974)
- Ex parte Levitt, 302 U.S. 633 (1937)
- Baker v. Carr, 369 U.S. 186 (1962)
- Linda R. S. v. Richard D., 410 U.S. 614 (1973)
- Data Processing Service v. Camp, 397 U.S. 150 (1970)
- Tileston v. Ullman, 318 U.S. 44 (1943)
- United States v. Raines, 362 U.S. 17 (1960)
- Flast v. Cohen, 392 U.S. 83 (1968)
- Sierra Club v. Morton, 405 U.S. 727 (1972)
- United States v. SCRAP, 412 U.S. 669 (1973)
- Pierce v. Society of Sisters, 268 U.S. 510 (1925)
- Sullivan v. Little Hunting Park, Inc., 396 U.S. 229 (1969)
- FCC v. Sanders Radio Station, 309 U.S. 470 (1940)
- Jenkins v. McKeithen, 395 U.S. 411 (1969)
- O'Shea v. Littleton, 414 U.S. 488 (1974)
- Bailey v. Patterson, 369 U.S. 31 (1962)
- Roe v. Wade, 410 U.S. 113 (1973)
- Trafficante v. Metropolitan Life Insurance Co., 409 U.S. 205 (1972)
- NAACP v. Alabama, 357 U.S. 449 (1958)
- Anti-Fascist Committee v. McGrath, 341 U.S. 123 (1951)
- National Motor Freight Ass'n v. United States, 372 U.S. 246 (1963)
- United Public Workers v. Mitchell, 330 U.S. 75 (1947)
- Maryland Casualty Co. v. Pacific Coal & Oil Co., 312 U.S. 270 (1941)