

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & LAND USE - RHODE ISLAND

Key v. Brown University

Supreme Court of Rhode Island - June 27, 2017 - A.3d - 2017 WL 2784864

Property owners brought action against private university and city, seeking declaratory judgment that university's construction of an artificial-turf field hockey field with attendant bleachers, press box, electronic scoreboard, and public-address system was an unlawful use under city zoning ordinances.

The Superior Court granted defendants' cross-motions for summary judgment and denied property owners' cross-motion for summary judgment. Property owners appealed.

The Supreme Court of Rhode Island held that property owners suffered an articulable, particularized injury in fact due to university's construction and use of fields, and thus had standing to bring suit.

Property owners, who brought action against private university and city seeking a declaratory judgment under the Uniform Declaratory Judgments Act (UDJA) that university's construction and subsequent use of new athletic fields and other amenities was unlawful under city zoning ordinances, suffered an articulable, particularized injury in fact due to university's construction and use of fields, and thus had standing to bring suit. Owners' allegations regarding their home provided measurable economic injuries that they suffered as a result of university's project, owners were the proper parties to request an adjudication of the particular issue, and owners' failure to pursue administrative remedies that may have been available to them did not preclude them from seeking declaratory relief.