

Bond Case Briefs

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Winston v. City of Syracuse

United States Court of Appeals, Second Circuit - April 11, 2018 - F.3d - 2018 WL 1734009

Tenant brought action against city and city water commissioner, asserting that city's policy and practice of terminating water service to tenants based upon their landlord's failure to pay the water bill violated her rights to equal protection and due process under the Fourteenth Amendment.

The United States District Court granted defendants' motion for judgment on the pleadings. Tenant appealed.

The Court of Appeals held that:

- Tenant had standing to bring due process challenge to city's water service termination policy;
- City's policy of treating owners and tenants differently for purpose of opening water accounts did not violate tenant's equal protection rights;
- Tenant's allegations that city's ordinances created two different classes of tenant water users were sufficient to state an equal protection claim; and
- Tenant plausibly stated a claim for violation of substantive due process.