
ZONING - LOUISIANA

City of Baton Rouge/Parish of East Baton Rouge v. Myers

Supreme Court of Louisiana - May 7, 2014 - So.3d - 2013-2011 (La. 5/7/14)

City brought action seeking to compel property owner to cease his alleged violation of city's unified development code, and property owner made a reconventional demand for declaratory judgment, alleging development code's restrictive definition of "family" was unconstitutional. Following a bench trial, the District Court declared that the zoning law's definition of "family" was unconstitutional and therefore unenforceable.

The Supreme Court of Louisiana held that:

- Property owner lacked standing to challenge the constitutionality of city ordinance's definition of "family" on the basis it violated the rights of others;
- Two clauses in city code that defined "family" were not in conflict or unconstitutionally vague;
- Application of city code did not require homeowner to inquire into the familial status of prospective tenants in violation of the Fair Housing Act (FHA);
- Evidence was insufficient to support property owner's claim that he had been unconstitutionally deprived of some part of his economic interest in his property because his potential profit as a lessor had been impaired by city's unified development code's zoning restrictions;
- The challenged city code provision was only required to be rationally related to a legitimate state interest, rather than narrowly tailored to further a compelling state interest; and
- Statutory provision that governed delays for taking suspensive appeals should have been applied to city's appeal of the declaratory judgment on the constitutionality of city zoning ordinance.

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