

Bond Case Briefs

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EMINENT DOMAIN - CALIFORNIA

Rancho de Calistoga v. City of Calistoga

United States Court of Appeals, Ninth Circuit - September 3, 2015 - F.3d - 2015 WL 5158703

Owner of mobile home park filed petition for writ of administrative mandamus against city and administrative hearing officer, asserting regulatory takings and separate “as-applied private takings” challenges to city’s mobile home rent control ordinance, as well as due process and equal protection claims against officer. The United States District Court granted city’s motion to dismiss. Owner appealed.

The Court of Appeals held that:

- Owner’s claims were ripe;
- Even if owner’s claims were construed as an as-applied attack, no regulatory taking occurred here;
- Owner’s self-styled “private takings claim” was not a separately cognizable claim but, rather, was part of its larger regulatory takings claim, which, viewed in this context, failed; and
- Officer’s decision, rejecting owner’s rent-increase application, did not violate equal protection.