

Bond Case Briefs

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MUNICIPAL ORDINANCE - WASHINGTON

Yim v. City of Seattle

Supreme Court of Washington - November 14, 2019 - P.3d - 2019 WL 5997021

Plaintiffs, individual landlords and a membership association providing screening services to its landlord members, brought action against city, challenging the constitutionality of the Fair Chance Housing Ordinance which generally precluded landlords from inquiring about a tenant or a prospective tenant's criminal history or from taking adverse action against the same based on criminal history, alleging it violated landlords' free speech and substantive due process rights.

The United States District Court certified question to Washington Supreme Court.

The Supreme Court held that:

- State law does not require heightened scrutiny with regard to state substantive due process challenges to laws regulating the use of property; state substantive due process claims are subject to the same standards as federal due process claims, and the same is true for substantive due process claims involving land use regulations, abrogating *Abbey Rd. Grp., LLC v. City of Bonney Lake*, 167 Wash.2d 242, 218 P.3d 180, *Allen v. City of Bellingham*, 95 Wash. 12, 163 P. 18, *Amunrud v. Bd. of Appeals*, 158 Wash.2d 208, 143 P.3d 571, *Asarco, Inc. v. Dep't of Ecology*, 145 Wash.2d 750, 43 P.3d 471, *Biggers v. City of Bainbridge Island*, 162 Wash.2d 683, 169 P.3d 14, *Christianson v. Snohomish Health Dist.*, 133 Wash.2d 647, 946 P.2d 768, *City of Olympia v. Mann*, 1 Wash. 389, 25 P. 337, and other cases, and
- The use of property is not a fundamental right for substantive due process purposes.