

# **Bond Case Briefs**

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**EMINENT DOMAIN - NEW YORK**

## **Wallace v. Town of Grand Island**

**Supreme Court, Appellate Division, Fourth Department, New York - June 12, 2020 - N.Y.S.3d - 184 A.D.3d 1088 - 2020 WL 3161007 - 2020 N.Y. Slip Op. 03301**

Landowner brought article 78 proceeding and declaratory judgment action against town, town board, and town's zoning board of appeals, seeking declaration that zoning law that prohibited certain short-term rentals was unconstitutional.

Defendants counterclaimed, seeking to enjoin landowner from using his premises as a short-term rental property. The Supreme Court, Erie County, granted defendants' motion for summary judgment. Landowner appealed.

The Supreme Court, Appellate Division, held that zoning law did not constitute unconstitutional regulatory taking of landowner's property.

Zoning law prohibiting short-term rentals in certain zoning districts did not render landowner's property incapable of producing reasonable return on landowner's investment, and thus did not constitute unconstitutional regulatory taking of property; landowner could sell property at profit or rent it on long-term basis.