

# **Bond Case Briefs**

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## **ZONING & PLANNING - FLORIDA**

### **City of West Palm Beach, Inc. v. Haver**

**Supreme Court of Florida - September 30, 2021 - So.3d - 2021 WL 4467768 - 46 Fla. L. Weekly S281**

City residents brought action against city, challenging city's inaction in response to residents' complaints claiming that neighbor was running a group home in violation of a city zoning ordinance, and seeking injunctive relief requiring city to investigate and, if necessary, take enforcement action against neighbor's alleged zoning violation, a declaratory judgment that city violated its ordinance by refusing to take enforcement action against neighbor, a writ of mandamus requiring city to determine whether neighbor had violated the zoning ordinance and then to take enforcement action, and a writ of certiorari to quash any quasi-judicial decisions or acts taken by city in connection with their refusal to enforce the zoning ordinance against neighbor.

The Circuit Court granted city's motion to dismiss. Residents appealed, and the Fourth District Court of Appeal affirmed dismissal of the mandamus and certiorari claims, but reversed as to the claims for injunctive and declaratory relief, and certified conflict. City petitioned for discretionary review.

The Supreme Court held that injunctive relief is not available to compel a city to enforce a zoning ordinance against a third party.