

Bond Case Briefs

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Barrani v. Salt Lake City

Supreme Court of Utah - July 31, 2025 - P.3d - 2025 WL 2177876 - 2025 UT 25

City residents brought public and private nuisance claims against city, alleging city's failure to eliminate unsheltered people's encampments on city-owned land adjoining their properties was interfering with their use and enjoyment of their land.

The Third District Court, Salt Lake County, granted city's motion to dismiss. Residents appealed.

The Supreme Court held that:

- Allegation that city's failure to eliminate encampments constituted a nuisance was a claim that city failed to adequately perform a public duty, and thus the public duty doctrine applied, and
- Special relationship exception to the doctrine did not apply.

City residents' allegation that city's failure to eliminate encampments created by unsheltered people on the city's public land constituted a nuisance was a claim that city failed to adequately perform a public duty, and thus the public duty doctrine applied to the claim; any actions the city could take stemmed from powers it had as a government actor, and city had a duty to exercise its enforcement authority for the benefit of all residents.

City residents did not have a special relationship with city in connection with encampments created by unsheltered people on the city's public land, even if they lived near the land, and thus special relationship exception to the public duty doctrine did not apply to preclude application of the doctrine to residents' claim that the city's failure to eliminate the encampments was a public and private nuisance; virtually all residents of the city "adjoined" city-owned land, encampments and the unsheltered people who lived in them were transient, and city had not done anything to reach out to the residents that would create a special relationship.