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EMINENT DOMAIN - WASHINGTON

GRE Downtowner LLC v. City of Seattle

Court of Appeals of Washington, Division 1 - October 26, 2026 - P.3d - 2026 WL 3205019

Real estate company operating low-income apartment complex brought action against city, alleging inverse condemnation claims for partial and per se regulatory takings under the state constitution stemming from the collective impact of a series of rental housing ordinances.

The Superior Court granted the city's motion to dismiss for failure to state a claim. The company appealed.

The Court of Appeals held that:

- Company sufficiently alleged economic impact of city ordinances as factor required to state partial regulatory takings claim;
- Company sufficiently alleged ordinances interfered with distinct investment-backed expectations as factor required to state partial regulatory takings claim;
- Company sufficiently alleged ordinances imposed huge economic burden on apartment complex, as factor required to state partial regulatory takings claim;
- Partial regulatory takings claims were governed by six-year statute of limitations applicable to claims concerning use and occupation of real estate; and
- Allegations that ordinances hindered company's ability to exclude uninvited, nontenant third parties sufficient alleged facts stating claim for per se regulatory taking.

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