

IN THE
Supreme Court of the United States

DANIEL GRAND,

Petitioner,

v.

CITY OF UNIVERSITY HEIGHTS, OHIO, *et al.*,

Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE SIXTH CIRCUIT

**BRIEF OF THE LOCAL GOVERNMENT LEGAL
CENTER, THE NATIONAL LEAGUE OF CITIES,
THE NATIONAL ASSOCIATION OF COUNTIES,
THE INTERNATIONAL MUNICIPAL LAWYERS
ASSOCIATION, AND THE INTERNATIONAL CITY/
COUNTY MANAGEMENT ASSOCIATION AS *AMICI
CURIAE* IN SUPPORT OF NEITHER PARTY**

AMANDA KARRAS
ERICH EISELT
INTERNATIONAL MUNICIPAL
LAWYERS ASSOCIATION
51 Monroe Street, Suite 404
Rockville, MD 20850

DAVID S. SILVERMAN
Counsel of Record
KURT S. ASPROOTH
ERIN M. MONFORTI
RACHEL L. STEMPLER
ANCEL GLINK, P.C.
140 South Dearborn Street,
Suite 600
Chicago, IL 60603
(312) 782-7606
dsilverman@ancelglink.com

Counsel for Amici Curiae

TABLE OF CONTENTS

	<i>Page</i>
TABLE OF CONTENTS.....	i
TABLE OF CITED AUTHORITIES	iii
INTEREST OF AMICI CURIAE.....	1
SUMMARY OF ARGUMENT.....	3
ARGUMENT.....	5
I. <i>Williamson County</i> 's finality requirement remains a sound and workable rule that plays a vital role in preserving the balance between local government democratic processes and the judiciary under this Court's ripeness doctrine.....	5
a. The finality requirement is a well- reasoned ripeness requirement based on enduring principles of federalism and meaningful judicial review	6
b. The finality requirement provides a modest framework for evaluating the ripeness of land use and zoning disputes arising out of a variety of constitutional claims	9
c. The finality requirement prevents the premature judicial disruption of the local democratic process over hypothetical injuries.....	12

Table of Contents

	<i>Page</i>
II. As implicitly recognized through the finality requirement, local regulations and processes are vital and should not be undermined in favor of premature judicial intervention.	18
a. Local police powers have long maintained a unique importance in constitutional jurisprudence	19
b. Local governments stand in a unique position of democratic accountability and serve as laboratories for problem solving.....	26
CONCLUSION	30

TABLE OF CITED AUTHORITIES

	<i>Page</i>
CASES:	
<i>Abbott Laboratories v. Gardner</i> , 387 U.S. 136 (1967).....	3, 5, 11
<i>Arizona State Legislature v. Arizona Independent Redistricting Commission</i> , 576 U.S. 787 (2015).....	26
<i>Avery v. Midland County</i> , 390 U.S. 474 (1968).....	20, 26
<i>Babbitt v. UFW National Union</i> , 442 U.S. 289 (1979).....	12, 13
<i>Berkshire Environmental Action Team, Inc. v. Tennessee Gas Pipeline Co., LLC</i> , 851 F.3d 105 (1st Cir. 2017)	21
<i>Board of Education v. Pico</i> , 457 U.S. 853 (1982).....	28
<i>Bond v. United States</i> , 564 U.S. 211 (2011).....	26
<i>City of Edmonds v. Oxford House, Inc.</i> , 514 U.S. 725 (1995).....	27
<i>Community Communications Co. v. Boulder</i> , 455 U.S. 40 (1982).....	19

Cited Authorities

	<i>Page</i>
<i>Digital Properties, Inc. v. City of Plantation</i> , 121 F.3d 586 (11th Cir. 1997).....	11
<i>Epperson v. Arkansas</i> , 393 U.S. 97 (1968).....	28
<i>First Choice Women’s Resource Centers, Inc. v.</i> <i>Davenport</i> , 146 S. Ct. 1114 (2026).....	12-14
<i>Grace Community Church v. Lenox Township</i> , 544 F.3d 609 (6th Cir. 2008)	11, 12
<i>Grand v. City of University Heights</i> , 159 F.4th 507 (6th Cir. 2025).....	16, 17, 30
<i>Grand v. City of University Heights</i> , No. 1:22-cv-1594, 2024 U.S. Dist. LEXIS 176340 (N.D. Ohio Sep. 30, 2024)	16, 17
<i>Gregory v. Ashcroft</i> , 501 U.S. 452 (1991)	19, 20, 26
<i>Guatay Christian Fellowship v. County of</i> <i>San Diego</i> , 670 F.3d 957 (9th Cir. 2011).....	4, 8, 11, 12, 28
<i>Holliday Amusement Co. of Charleston, Inc. v.</i> <i>South Carolina</i> , 493 F.3d 404 (4th Cir. 2007)	29

Cited Authorities

	<i>Page</i>
<i>Hunter v. Pittsburgh,</i> 207 U.S. 161 (1907).....	19
<i>Knick v. Township of Scott,</i> 588 U.S. 180 (2019).....	3, 4, 7-9
<i>Lafayette v. Louisiana Power & Light Co.,</i> 435 U.S. 389 (1978).....	19
<i>Lawrence County v. Lead-Deadwood</i> <i>School District,</i> 469 U.S. 256 (1985).....	20
<i>Macdonald v. County of Yolo,</i> 477 U.S. 340 (1986).....	7, 16, 21
<i>Miles Christi Religious Order v.</i> <i>Township of Northville,</i> 629 F.3d 533 (6th Cir. 2010).....	11, 12, 29
<i>Milliken v. Bradley,</i> 418 U.S. 717 (1974)	28
<i>Murphy v. New Milford Zoning Comm’n,</i> 402 F.3d 342 (2d Cir. 2005)	4, 8, 11, 12, 28
<i>Nat’l Advertising Co. v. City of Miami,</i> 402 F.3d 1335 (11th Cir. 2005).....	11, 15, 16

Cited Authorities

	<i>Page</i>
<i>Nat’l Federation of Independent Business v. Dep’t of Labor; et al.</i> , 595 U.S. 109 (2022)	28
<i>New State Ice Co. v. Liebmann</i> , 285 U.S. 262 (1932)	27
<i>New York ex rel. Lieberman v. Van De Carr</i> , 199 U.S. 552 (1905)	28
<i>Oregon v. Ice</i> , 555 U.S. 160 (2009)	26, 27
<i>Pakdel v. City & County of San Francisco</i> , 594 U.S. 474 (2021)	7, 9-11, 15, 16, 25
<i>Palazzolo v. Rhode Island</i> , 533 U.S. 606 (2001)	3, 10, 11, 18
<i>Reno v. Catholic Social Services</i> , 509 U.S. 43 (1993)	5
<i>Roman Catholic Bishop v. City of Springfield</i> , 724 F.3d 78 (1st Cir. 2013)	14, 15, 17
<i>Sause v. Bauer</i> , 585 U.S. 957 (2018)	17
<i>Suitum v. Tahoe Regional Planning Agency</i> , 520 U.S. 725 (1997)	3, 5, 10, 11, 20

Cited Authorities

	<i>Page</i>
<i>Susan B. Anthony List v. Driehaus</i> , 573 U.S. 149 (2014)	12, 13, 18
<i>Tanzin v. Tanvir</i> , 592 U.S. 43 (2020).	17
<i>Temple B’Nai Zion, Inc. v. City of Sunny Isles Beach</i> , 727 F.3d 1349 (11th Cir. 2013)	14, 15, 17
<i>Trump v. California</i> , No. 26A124, 2026 U.S. LEXIS 2996 (Aug. 24, 2026)	5
<i>United Haulers Ass’n v. Oneida-Herkimer Solid Waste Management Authority</i> , 550 U.S. 330 (2007)	28
<i>United States v. Lopez</i> , 514 U.S. 549 (1995)	27
<i>Village of Belle Terre v. Boraas</i> , 416 U.S. 1 (1974)	27
<i>Village of Euclid v. Ambler Realty Co.</i> , 272 U.S. 365 (1926)	26, 27
<i>Warth v. Seldin</i> , 422 U.S. 490 (1975)	27

Cited Authorities

	<i>Page</i>
<i>Washington State Grange v. Washington State Republican Party,</i> 552 U.S. 442 (2008)	5, 7, 15, 17
<i>Williamson County Regional Planning Commission v. Hamilton Bank,</i> 473 U.S. 172 (1985)	3-9, 12, 14-18, 20, 21, 28-30
<i>Yazoo & Miss. Valley Railroad Co. v. Jackson Vinger Co.,</i> 226 U.S. 217 (1912)	6, 7, 15
<i>Young v. American Mini Theatres,</i> 427 U.S. 50 (1976)	27
<i>Younger v. Harris,</i> 401 U.S. 37 (1971)	19
 CONSTITUTIONAL PROVISIONS	
U.S. CONST. art. III	5, 18
 STATUTES, ORDINANCES AND RULES	
42 U.S.C. § 1983	8, 11, 17
42 U.S.C. § 2000cc(a)(1)	11
Sup. Ct. R. 37.6	1
UHCO § 1274.01	13
UHCO § 1274.01(b)(1)	13

*Cited Authorities**Page***OTHER AUTHORITIES**

- Ann Althouse, *Variations on a Theory of Normative Federalism: A Supreme Court Dialogue*, 42 DUKE L. J. 979 (1993)19, 20
- Dakota Antelman, *ZBA Green-lights New 237-Unit West Concord Development*, THE CONCORD BRIDGE (Apr. 24, 2025), <https://concordbridge.org/index.php/2025/04/24/zba-green-lights-237-unit-west-concord-development/>23
- David S. Mendel, *Determining Ripeness of Substantive Due Process Claims Brought by Landowners Against Local Governments*, 95 MICH. L. REV. 492 (1996).....27, 28
- David Zhou, *Rethinking the Facial Takings Claim*, 120 YALE L. J. 967 (2011).....29
- Gene R. Nichol, Jr., *Ripeness and the Constitution*, 54 U. CHI. L. REV. 153 (1987)21
- Mercera Silva & Chris Wintermute, *Government Organization Summary Report: 2022 and 2025*, U.S. CENSUS BUREAU (2026), <https://www.census.gov/library/publications/2026/econ/govtorg2225.html>.....27

Cited Authorities

	<i>Page</i>
Richard Briffault, <i>Home Rule and Local Political Innovation</i> , 22 COLUMBIA J. L. & POL. 1 (2006)	27
Richard Briffault, <i>Our Localism: Part I – The Structure of Local Government Law</i> , 90 COLUMBIA L. REV. 1 (1990).....	19
Richard Briffault, <i>What About the ‘Ism’? Normative and Formal Concerns in Contemporary Federalism</i> , 47 VAND. L. REV. 1303 (1994).....	19, 26
Thomas Jefferson, 11 THE WORKS OF THOMAS JEFFERSON 347 (P. Ford ed. 1905), <i>quoted in</i> Joan C. Williams, <i>The Constitutional Vulnerability of American Local Government: The Politics of City Status in American Law</i> , 1986 WIS. L. REV. 83 (1986)	19

INTEREST OF AMICI CURIAE¹

This brief is filed on behalf of the following organizations:

The Local Government Legal Center (“LGLC”) is a coalition of government organizations formed in 2023 to provide education to local governments regarding the Supreme Court and its impact on local governments and officials and to advocate for local government positions at the Supreme Court in appropriate cases. The National League of Cities, the National Association of Counties, and the International Municipal Lawyers Association are the founding members of the LGLC. The International City/County Management Association is an associate member of the LGLC.

The National League of Cities (“NLC”), founded in 1924, is the oldest and largest organization representing U.S. municipal governments. NLC works to strengthen local leadership, influence federal policy, and drive innovative solutions. In partnership with 49 state municipal leagues, NLC advocates for over 19,000 cities, towns, and villages where more than 218 million Americans live.

The National Association of Counties (“NACo”) is the only national organization that represents county governments in the United States. Founded in 1935, NACo

1. Pursuant to Supreme Court Rule 37.6, Amici state that no counsel for any party authored this brief in whole or in part and no entity or person, other than Amici, their members, or their counsel, made any monetary contribution intended to fund the preparation or submission of this brief.

provides essential services to the nation's 3,069 counties through advocacy, education, and research.

The International Municipal Lawyers Association (“IMLA”) is the nation's oldest and largest organization devoted solely to local government law. A nonprofit, nonpartisan, professional association, IMLA's membership comprises more than 2,500 local government entities, including cities, counties, and subdivisions thereof, as represented by their chief legal officers, state municipal leagues, and individual attorneys. IMLA's mission is to advance the responsible development of municipal law through education and advocacy by providing the collective viewpoint of local governments around the country on legal issues before the United States Supreme Court, as well as state and federal appellate courts.

The International City/County Management Association (“ICMA”) is a nonprofit professional association of more than 13,500 appointed chief executives, assistants, and local government leaders serving cities, counties, towns, and regional entities. ICMA's mission is to create excellence in local governance by advocating and developing the professional management of local governments throughout the world.

Here, Amici offer their perspective on why requiring a unit of local government to reach a final position in applying its rules and regulations—preceded by fair process—before granting access to the federal court system remains a sound and workable approach in the context of land use, zoning, and related disputes arising out of a variety of constitutional claims. Amici submit this brief to aid the Court's understanding of the finality

requirement as a critical component of the ripeness doctrine that recognizes the central role local governments play in the contemporary federalist framework. Altering or overturning the finality requirement would undermine important principles of federalism by enabling courts to prematurely interfere in longstanding, critical democratic processes that keep local issues within the context and framework best adapted to solving these regulatory problems.

SUMMARY OF ARGUMENT

How does a court decide whether the application of a local government authority's regulation violates a constitutional right when the local government authority has yet to apply that regulation?

It's simple: a court cannot make such a determination on hypothetical "facts." This concept is embodied in this Court's ripeness doctrine, which is meant to ensure meaningful judicial review of concrete local government actions. *See Abbott Lab'ys v. Gardner*, 387 U.S. 136, 148–49 (1967).

The finality requirement, established in *Williamson County Regional Planning Commission v. Hamilton Bank*, 473 U.S. 172 (1985) and reaffirmed by this Court in succeeding cases, such as *Suitum v. Tahoe Regional Planning Agency*, 520 U.S. 725 (1997), *Palazzolo v. Rhode Island*, 533 U.S. 606 (2001), and *Knick v. Township of Scott*, 588 U.S. 180 (2019), remains a crucial aspect of this Court's ripeness doctrine. *Williamson County's* finality requirement is a generally applicable ripeness requirement that is meant to prevent hollow judicial

review and premature interference with the local democratic process in a variety of constitutional contexts.

The imperative for finality in land use and zoning disputes involving generally applicable and neutral regulations, regardless of whether they are First or Fifth Amendment-based disputes, is based on the enduring policy rationales underlying the finality requirement, including (1) the development of a full record; (2) ensuring that courts know exactly how a local government authority has applied a disputed regulation to a property; (3) preventing premature and diversionary constitutional analysis and preserving judicial economy; and (4) adhering to the principles of federalism by “[e]vinc[ing] the judiciary’s appreciation that land use disputes are uniquely matters of local concern.” See *Guatay Christian Fellowship v. Cnty. of San Diego*, 670 F.3d 957, 977 (9th Cir. 2011) (citing *Murphy v. New Milford Zoning Comm’n*, 402 F.3d 342, 348–49 (2d Cir. 2005)).

The immutable fact that land use disputes are “uniquely matters of local concern” is not dependent on the type of constitutional claim being asserted. Similarly, the application of the finality requirement is not dependent on the *type* of constitutional claim being asserted. Instead, the finality requirement is dependent on the *specific facts* underlying the constitutional claim brought in response to a myriad of local democratic processes and functions.

Amici urge this Court, as in *Knick*, to again recognize the enduring nature of *Williamson County*’s finality requirement in claims arising from land use and zoning disputes concerning the application of a local authority’s generally applicable and neutral regulations. That finality

requirement is integral to preserving broader elements of the local democratic process, which expands well beyond the realm of land use and zoning.

ARGUMENT

I. *Williamson County*’s finality requirement remains a sound and workable rule that plays a vital role in preserving the balance between local government democratic processes and the judiciary under this Court’s ripeness doctrine.

The ripeness doctrine is rooted in Article III of the U.S. Constitution’s case or controversy requirement and prudential limits on the exercise of judicial authority. *See Suitum*, 520 U.S. at 733, n.7 (quoting *Reno v. Cath. Social Servs, Inc.*, 509 U.S. 43, 57 (1993)). The ripeness doctrine is meant to prevent “the courts, through avoidance of premature adjudication, from entangling themselves in abstract disagreements over administrative policies, and also to protect the agencies from judicial interference until an administrative decision has been formalized and its effects felt in a concrete way[.]” *Abbott Lab’s*, 387 U.S. at 148–49.

In *Washington State Grange v. Washington State Republican Party*, Justice Thomas emphasized that premature adjudication of a law “frustrates the intent of the elected representatives of the people” and risks “short circuit[ing] the democratic process” based on hypothetical, rather than concrete, outcomes resulting from the application of a law. 552 U.S. 442, 450 (2008); *see also Trump v. Cal.*, Case No. 26A124, 2026 U.S. LEXIS 2996, at *4 (Aug. 24, 2026) (staying the district court’s injunction

on ripeness and standing grounds and reaffirming that ripeness “forbids federal courts to adjudicate disputes that are dependent on contingent future events that may not occur as anticipated, or indeed may not occur at all”) (internal quotations omitted). The ripeness doctrine is meant to ensure that courts “[d]eal with the case in hand and not with imaginary ones.” *Yazoo & M. v. R. Co. v. Jackson Vinger Co.*, 226 U.S. 217, 219 (1912).

In the context of land use and zoning disputes, local government authorities express the intent of their local constituents as their elected representatives through the passage and application of land use and zoning regulations, rules, ordinances, and procedures. The finality requirement, established in *Williamson County* and oft-applied by state and federal courts, is crucial to ensuring courts have concrete facts upon which to decide constitutional claims arising from the actions of local land use and zoning government authorities. Limiting the finality requirement to land use and zoning disputes arising only within the regulatory takings context, as Petitioner urges this Court to do, *see* Petitioner’s Brief on the Merits (“Pet. Br.”), 39–44, would thrust courts into the role of superintendents of local government authorities in premature, hypothetical disputes.

a. The finality requirement is a well-reasoned ripeness requirement based on enduring principles of federalism and meaningful judicial review.

In *Williamson County*, this Court considered the ripeness of a takings claim brought prior to a regional planning commission reaching a final decision in applying its zoning laws to the disputed property. *See generally*

Williamson Cnty. Reg'l Planning Comm'n, 473 U.S. 172, *overruled on other grounds by Knick*, 588 U.S. 180 (2019). This Court held that a takings claim is not ripe until the relevant regulatory authority has reached a final, definitive position regarding the application of its regulations to the disputed property. *See id.* at 191.

The Court in *Williamson County* premised the finality requirement upon the fact-intensive inquiry required by the Just Compensation Clause, including factors such as the economic impact of the challenged action and the extent to which the challenged action interferes with reasonable investment-backed expectations. *See id.* This Court determined that these factors “simply cannot be evaluated until the administrative agency has arrived at a final, definitive position regarding how it will apply the regulations at issue to the particular land in question.” *Id.* The Court recognized the general enduring principle, acknowledged and applied as recently as 2021, that courts must know how far a regulation goes to determine whether the regulation or the application of the regulation violates a constitutional right. *See Pakdel v. City & Cnty. of San Francisco*, 594 U.S. 474, 479 (2021) (per curiam) (citing *Macdonald v. Cnty. of Yolo*, 477 U.S. 340, 348 (1986)). That same principle applies in other land use contexts outside regulatory takings with equal force. Accordingly, the finality requirement is integral to ensuring “that a plaintiff has actually ‘been injured by the Government’s action’ and is not prematurely suing over a hypothetical harm.” *Id.* (citation omitted); *Yazoo*, 226 U.S. at 219; *Wash. State Grange*, 552 U.S. at 450.

The appellate circuits have echoed the enduring policy rationale underlying the finality requirement, which:

(1) aids in developing a full record; (2) is the sole means by which a court can know precisely how the regulation at issue would finally be applied to the property; (3) might provide the relief the landowner seeks without requiring the courts to engage in unnecessary constitutional analysis; and (4) accords with the principles of federalism because, by encouraging resolution of land use disputes at the local level, it ‘evinces the judiciary’s appreciation that land use disputes are uniquely matters of local concern.’

Guatay Christian Fellowship, 670 F.3d at 977 (citing *Murphy*, 402 F.3d at 348–49).

Williamson County’s reasoning for the finality requirement remains sound. After all, this Court explicitly recognized the continuing validity of the finality requirement in *Knick*, 588 U.S. 180 (2019). In *Knick*, this Court overruled *Williamson County* in part, by overturning the state litigation requirement for asserting a federal takings claim under 42 U.S.C. § 1983. *See generally Knick*, 588 U.S. 180 (2019). However, and as acknowledged by Petitioner, the Court in *Knick* only overruled the exhaustion requirement previously announced in *Williamson County*. *See* Pet. Br., 42–43. At the outset of *Knick*, the Court clarified that the finality and state litigation requirements are separate and distinct requirements, as “*Knick* does not question the validity of [*Williamson County*’s] finality requirement, which is not at issue here.” 588 U.S. at 188. Instead, the Court found that “[a] property owner acquires a constitutional right to compensation *at the time of the taking*” regardless of subsequent state court proceedings. *Id.* at 198 (emphasis

added). Thus, *Knick* does not dispute that a final government position or decision, such as taking property without just compensation, must still occur prior to a property owner bringing a federal takings claim.

Like in *Knick*, this Court should not question the validity of the finality requirement and its application to land use and zoning disputes arising out of Fifth Amendment and non-Fifth Amendment claims concerning neutral and generally applicable local government actions.

b. The finality requirement provides a modest framework for evaluating the ripeness of land use and zoning disputes arising out of a variety of constitutional claims.

This Court in *Williamson County* intentionally distinguished the finality requirement from an exhaustion requirement. Whereas the finality requirement concerns whether the relevant regulatory authority has arrived at a final, definitive position that inflicts an actual, concrete injury, the exhaustion requirement concerns whether the injured party exhausted all available administrative remedies prior to litigating the dispute. *See Williamson Cnty. Reg'l Planning Comm'n*, 473 U.S. at 191.

The requirement of a “final, definitive *position*,” rather than a final, concrete *decision*, emphasizes the “modest” nature of the finality requirement. *See Pakdel*, 594 U.S. at 478. This Court has recognized the “modest” nature of the finality requirement in holding that “[a]ll a plaintiff must show [to satisfy the finality requirement] is ‘that there [is] no question . . . about how the regulations at issue apply to the particular land in question.’” *Id.* (quoting

Suitum, 520 U.S. at 739). “Nothing more than *de facto* finality is necessary.” *Id.* at 479. “[O]nce the government is committed to a position . . . potential ambiguities evaporate and the dispute is ripe for judicial resolution.” *Id.*

This Court has also acknowledged an exception to requiring a final decision or position of the relevant authority if that authority has clearly committed to a position that makes additional applications futile. *See Palazzolo*, 533 U.S. at 626 (“[f]ederal ripeness rules do not require the submission of further and futile applications[.]”). A claim is likely ripe once the permissible and impermissible uses of a disputed property are “known to a reasonable degree of certainty.” *Id.* at 620.

Petitioner has failed to present an argument that he knew, to a reasonable—or any—degree of certainty, that the Commission would not permit him to use his property as a place of worship, as the Commission had yet to reach a conclusive decision. *See* Pet. Br. 30. Instead, Petitioner implicitly argues that this Court should limit the discretion of local land use boards in their application of the very regulations and related procedures that the local board enacted. *See* Pet. Br., 39; 52–53. In contrast, this Court has recognized that the finality requirement “[r]esponds to the high degree of discretion characteristically possessed by land-use boards” in the application of the regulations they administer. *Palazzolo*, 533 U.S. at 620 (citing *Suitum*, 520 U.S. at 738). Congress has also recognized the high degree of discretion possessed by land use boards within the context of religious uses, as under the Religious Land Use and Institutionalized Persons Act (“RLUIPA”), governments are expressly prohibited from “*impos[ing] or implement[ing] a land use regulation* in a manner that

imposes a substantial burden on the religious exercise of a person[.]” 42 U.S.C. § 2000cc(a)(1) (emphasis added). Thus, just as the purpose of the finality requirement is to prevent premature judicial review of hypothetical injuries, a local government authority must actually impose or implement, or take a decisive position or action, that could impact religious exercise before a RLUIPA claim is valid.

Accordingly, appellate circuit courts apply the finality requirement to land use and zoning disputes concerning neutral and generally applicable regulations brought by religious organizations, advertising companies, and businesses under 42 U.S.C. § 1983, RLUIPA, and the First Amendment. *See e.g., Miles Christi Religious Ord. v. Twp. of Northville*, 629 F.3d 533 (6th Cir. 2010) (First Amendment free exercise and RLUIPA claims); *Digital Props. v. City of Plantation*, 121 F.3d 586 (11th Cir. 1997) (§ 1983 claim); *Guatay Christian Fellowship*, 670 F.3d at 976–78 (§ 1983 and RLUIPA claims); *Grace Cmty. Church v. Lenox Twp.*, 544 F.3d 609, 613–15 (6th Cir. 2008) (RLUIPA claim); *Murphy*, 402 F.3d at 350–51 (RLUIPA claim); *Nat’l Advert. Co. v. City of Miami*, 402 F.3d 1335, 1339 (11th Cir. 2005) (First Amendment claim).

Aligned with this Court’s holdings in *Abbott*, *Pakdel*, *Palazzolo*, and *Suitum*, the Second, Sixth, Ninth, and Eleventh circuits have recognized the importance of the finality requirement to preventing premature judicial involvement in the local democratic process over land use and zoning disputes and ensuring that there is an adequate factual record permitting meaningful judicial review. *See Nat’l Advert. Co.*, 402 F.3d at 1339; *Grace Cmty. Church*, 544 F.3d at 615; *Murphy*, 402 F.3d at 348–49; *Guatay Christian Fellowship*, 679 F.3d at 97.

c. The finality requirement prevents the premature judicial disruption of the local democratic process over hypothetical injuries.

The Circuit Courts have addressed the *Williamson County* finality requirement in a myriad of circumstances, including those involving religious spaces, such as houses of worship or residential prayer gatherings, and related religious liberty issues. *See, e.g., Miles Christi Religious Ord.*, 629 F.3d 533; *Guatay Christian Fellowship*, 670 F.3d 957; *Grace Cmty. Church v. Lenox Twp.*, 544 F.3d 609; *Murphy*, 402 F.3d 342.

Petitioner, in his Merits Brief, cites to inapposite precedent, such as *Susan B. Anthony List v. Driehaus* and *First Choice Women’s Resource Centers, Inc. v. Davenport*, to argue that the Sixth Circuit inappropriately transposed the finality requirement into the religious-liberty context despite the finality requirement being unique to taking claims within the land use context. *See* Pet. Br., 2–4. However, Petitioner ignores the distinguishable facts of *Susan B. Anthony List* and *First Choice*.

In *Susan B. Anthony List*, this Court held that “[when] an individual is subject to [the threatened enforcement of a law], an actual arrest, prosecution, or other enforcement action is not a prerequisite to challenging *the law*.” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014) (quotations omitted) (emphasis added). “[A] plaintiff satisfies the injury-in-fact requirement where he alleges ‘an intention to engage in a course of conduct arguably affected with a constitutional interest, *but proscribed by a statute*, and there exists a credible threat of *prosecution* thereunder.’” *Id.* (quoting *Babbitt v. UFW Nat’l Union*,

442 U.S. 289, 298 (1979)) (emphasis added). Whereas in *Susan B. Anthony List*, this Court found that the petitioners’ future conduct of engaging in comparable electoral speech would remain arguably proscribed by Ohio’s false statement statute on its face, the ordinance at issue here, UHCO § 1274.01(b)(1), explicitly provides an avenue for the Petitioner to obtain a Special Use Permit to use his land as a house of worship or for religious education purposes. *See* UHCO § 1274.01(b)(1). Petitioner attempts to separate the religious aspects of this case from the land use context within which it is brought, as UHCO § 1274.01 expressly does *not* proscribe the Petitioner’s ability to use his land as a house of worship.² If what Petitioner is truly challenging is the local democratic processes by which an individual may obtain a Special Use Permit to use their land as a house of worship under UHCO § 1274.01, then such a claim is diametrically distinct from attempting to apply the finality requirement to *procedurally fair* local democratic land use processes that remain ongoing.

The facts and holding of *First Choice* are similarly distinguishable. In *First Choice*, this Court held that “[a]ny demand for donor information . . . must overcome heightened First Amendment scrutiny “given the ‘deterrent effect on the exercise of First Amendment rights’ that arises as an ‘*inevitable result of the government’s conduct.*’” *First Choice Women’s Res. Ctrs., Inc. v. Davenport*, 146 S. Ct. 1114, 1124 (2026) (citations omitted) (emphasis added). In *First Choice*,

2. It is not clear that the Petitioner even needed a permit, as what he was proposing may have not fit the definition of a “house of worship.” However, because he prematurely circumvented the local land use process, we will never know what the Commission would have determined.

this Court found that the Attorney General’s demand for donor information from the petitioner-nonprofit caused an actual and ongoing First Amendment injury by “discourag[ing] people from associating with groups engaged in protected First Amendment advocacy.” *Id.* at 1125 (citation omitted). In other words, this Court found that the Attorney General’s donor demand would *inevitably* result in deterring the exercise of First Amendment Rights. In contrast, the finality requirement is intended to apply to prevent premature judicial review of cases where is unclear what the inevitable result of a government action may be.

The First and Eleventh Circuits have declined to apply the finality requirement to certain, fact-specific land use and zoning disputes distinguishable from the instant case. *See generally Roman Catholic Bishop v. City of Springfield*, 724 F.3d 78 (1st Cir. 2013) and *Temple B’Nai Zion, Inc. v. City of Sunny Isles Beach*, 727 F.3d 1349 (11th Cir. 2013). Neither of these cases establishes nor endorses categorical exemptions to *Williamson County*’s finality requirement for religious and First Amendment land use and zoning disputes.

In *Roman Catholic Bishop*, the First Circuit found that the *Williamson County* finality requirement was not implicated by the specific ordinance at issue, which was designed to only apply to the plaintiff-church, unlike a neutral and generally applicable zoning ordinance. *See* 724 F.3d at 91–93. The First Circuit found that “[w]hile constitutional challenges to land use regulations may implicate *Williamson County*’s ripeness doctrine in some cases, *we find no such necessary implication here.*” *Id.* at 92 (emphasis added). The First Circuit did *not* endorse

a categorical exemption for land use and zoning disputes arising from religious-based claims. Instead, the First Circuit found that the plaintiff-church's constitutional claims and injuries, in that specific dispute, arose from the *existence* of the church-specific ordinance, rather than the local authority's *application* of the ordinance, and that no further factual development was necessary. *Id.* at 92–93.

The First Circuit's rationale is consistent with the applicability of *Williamson County*'s finality requirement to the majority of land use and zoning disputes to prevent premature judicial intervention over a hypothetical injury and disruption of the local democratic process. *See Pakdel*, 594 U.S. at 479; *Wash. State Grange*, 552 U.S. at 450; *Yazoo*, 226 U.S. at 219. Unlike in *Roman Catholic Bishop*, a plaintiff's constitutional claims and injuries in land use and zoning disputes involving a local authority's application of a neutral and generally applicable land use and zoning regulation requires further factual development to determine whether a constitutional injury has occurred.

In *Temple B'Nai Zion*, the Eleventh Circuit held that the *Williamson County* finality requirement was “an inappropriate tool for the *specific facts presented*,” in which the Plaintiff-Temple alleged that the “*mere enactment*” of a resolution specifically declaring the Plaintiff-Temple as a historic landmark violated its constitutional rights. *Temple B'Nai Zion*, 727 F.3d at 1357 (emphasis added). Like the First Circuit, the Eleventh Circuit acknowledged that “when circumstances warrant, [the finality requirement may] be applicable to various types of land use challenges.” *Id.* Indeed, the Eleventh Circuit, in *National Advertising Company v.*

City of Miami, applied the finality requirement to an advertising company's claim that the City's denial of its sign applications under the City's neutral and generally applicable zoning ordinance violated its First Amendment rights. *See generally Nat'l Advert. Co.*, 402 F.3d 1335.

In *National Advertising Company*, the Eleventh Circuit found that the company's First Amendment claim was unripe as there was no conclusive denial of the company's applications and as such the court was "incapable of determining *if*, let alone why, [the company's] applications were denied." *Id.* at 1341 (emphasis in original). The Eleventh Circuit noted that without the "crucial information" of the City's final position on the applications that "it would be impossible to determine if the City's zoning ordinance violates the constitution." *Id.* Like this Court's recognition of the fact-intensive inquiry required by the Just Compensation Clause in *Williamson County* and the need for courts to know "how far a regulation goes" in *Pakdel* and *Macdonald*, the Eleventh Circuit recognized the general and enduring applicability of the finality requirement to ensuring there is an adequate factual record permitting meaningful judicial review of the local democratic process over a variety of land use and zoning disputes. *See Williamson Cnty.*, 473 U.S. 172 at 191; *Pakdel*, 594 U.S. at 479; *Macdonald*, 477 U.S. at 348; *Nat'l Advert. Co.*, 402 F.3d at 1340.

As in *National Advertising Company*, the facts of the case presently before this Court do not establish that the Commission reached a conclusive position as to Petitioner's Special Use Permit application. *See generally Grand v. City of Univ. Heights*, Case No. 1:22-cv-1594, 2024 U.S. Dist. LEXIS 176340 (N.D. Ohio Sept. 30, 2024); *Grand v.*

City of Univ. Heights, 159 F.4th 507 (6th Cir. 2025). Here, the Petitioner withdrew his application between hearings on his application after Commission members expressed the need for additional facts to determine (1) whether it would grant or deny Petitioner’s application; and (2) whether the Petitioner needed a Special Use Permit at all. *See Grand*, Case No. 1:22-cv-1594, 2024 U.S. Dist. LEXIS 176340, at *12; *Grand*, 159 F.4th at 510. Unlike *Roman Catholic Bishop* and *Temple B’Nai Zion*, there is no mere enactment or actual application of a local government ordinance for a court to review to determine whether a constitutional injury has occurred. Bypassing the finality requirement in such circumstances undermines the very purpose of this Court’s ripeness doctrine to prevent premature, meaningless judicial review that could “short circuit” local democratic processes based on hypothetical outcomes.³ *See Wash. State Grange*, 552 U.S. at 450.

While *Roman Catholic Bishop* and *Temple B’Nai Zion* present unique, fact-specific circumstances in which the very enactment of a local authority’s land use and zoning

3. Amici recognize that the Court may determine that unique facts exist in this case, distinct from the fact that the Commission never reached a conclusive position on Petitioner’s Special Use Permit, that require remand. For example, a plaintiff can bring a § 1983 claim for religious discrimination and retaliation against a local government and/or local government officials for clearly established constitutional violations absent the *Williamson County* finality requirement. *See Tanzin v. Tanvir*, 592 U.S. 43, 50 (2020) (citing *Sause v. Bauer*, 585, U.S. 957, 959 (2018) (per curiam)). However, where a case hinges on the application of local land use regulations and related, procedurally fair local processes that have not yet run their course, a plaintiff may not circumvent *Williamson County*’s ripeness requirements.

ordinance constituted a constitutional injury by itself, they do not erode this Court’s finality requirement under *Williamson County*, which remains a sound, workable, and modest framework that is generally applicable to local land use and zoning disputes under this Court’s ripeness doctrine.

This Court has continuously recognized the importance of maintaining a balance between respect for the local democratic processes that are implemented in response to the unique circumstances and needs of each community, and opportunity for appropriate judicial review at the proper time. *See generally Palazzolo*, 533 U.S. 606 (2001); *Susan B. Anthony List*, 573 U.S. at 157 (“The law of Article III standing, which is built on separation-of-powers principles, serves to prevent the judicial process from being used to usurp the powers of the political branches”) (citation omitted); The *Williamson County* finality requirement strikes this balance and remains a workable ripeness standard that allows localities an opportunity to engage in local processes necessary for reaching a reasonable final decision before federal judicial intervention.

II. As implicitly recognized through the finality requirement, local regulations and processes are vital and should not be undermined in favor of premature judicial intervention.

“In government, as well as in every other business of life, it is by division and subdivision of duties alone, that all matters, great and small, can be managed to perfection And the whole is cemented by giving to every citizen,

personally, a part in the administration of public affairs.”

Thomas Jefferson, 11 *THE WORKS OF THOMAS JEFFERSON* 347 (P. Ford ed. 1905), *quoted in* Joan C. Williams, *The Constitutional Vulnerability of American Local Government: The Politics of City Status in American Law*, 1986 *WIS. L. REV.* 83, 106 (1986).

a. Local police powers have long maintained a unique importance in constitutional jurisprudence.

While not expressly integrated into the federalist structure enshrined by the Tenth Amendment and oft-explored in interpretive case law,⁴ local government has been identified as a key element of what has been coined “normative federalism.”⁵ See Richard Briffault, *What About the ‘Ism’? Normative and Formal Concerns in Contemporary Federalism*, 47 *VAND. L. REV.* 1303, 1305 (1994); Ann Althouse, *Variations on a Theory of Normative Federalism: A Supreme Court Dialogue*, 42

4. See *Hunter v. Pittsburgh*, 207 U.S. 161, 178 (1907); *Cnty. Comms. Co. v. Boulder*, 455 U.S. 40, 50–51 (1982) (citing *Lafayette v. La. Power & Light Co.*, 435 U.S. 389, 412 (1978)) (“Cities are not themselves sovereign; they do not receive all the federal deference of the States that create them . . . the States’ subdivisions generally have not been treated as equivalents of the states themselves”); Richard Briffault, *Our Localism: Part I – The Structure of Local Government Law*, 90 *COLUMBIA L. REV.* 1, 6–9 (1990).

5. Justice Black identified his articulation of normative federalism as “Our Federalism,” in *Younger v. Harris*, 401 U.S. 37, 44 (1971).

DUKE L. J. 979, 980–82 (1993). The high values of federalism were perhaps best summarized by Justice O’Connor in *Gregory v. Ashcroft*: this system encourages sensitivity to diverse societal needs, increased opportunities for citizen involvement, robust policy experimentation, responsive government, and the prevention of excess accumulation of power in one branch of government or another. *See* 501 U.S. 452, 458 (1991).

This Court has acknowledged the virtues—and reality—of reasonably autonomous local government within the context of our federalist system. *See, e.g., Avery v. Midland Cnty.*, 390 U.S. 474, 481 (1968) (recognizing “universal” delegation of significant policymaking authority from States to local governments); *Lawrence Cnty. v. Lead-Deadwood Sch. Dist.*, 469 U.S. 256, 269 (1985) (noting with approval Congress’s objective to allow local governments “freedom and flexibility” in determining how federal funds could be used under Payment in Lieu of Taxes Act).

In the case presently before the Court, particularly the consideration of the *Williamson County* finality rule, the general principles of normative federalism come into sharper focus. Beyond judicial ripeness considerations, finality in local government decision-making preserves the mutual benefits that can be realized through a robust system of local procedures that fit within and ensure the most efficient and effective operation of “Our Federalism”. These benefits are undoubtedly compromised when local officials and staff are faced with the threat of federal litigation in the interim stages of deliberation, interpretation, and cooperation that precede a final decision or enforcement. *Williamson Cnty.*, 473 U.S. at 193–94; *Suitum*, 520 U.S. at 739 (“[L]ocal agencies charged

with administering regulations governing property development are singularly flexible institutions; what they take with the one hand they may give back with the other”) (quoting *Macdonald*., 477 U.S. at 350); *Berkshire Envtl. Action Team, Inc. v. Tenn. Gas Pipeline Co., LLC*, 851 F.3d 105, 108 (1st Cir. 2017) (noting “preliminary and numerous steps” preceding final decision counsel against “immediate review”). As with all ripeness inquiries, the *Williamson County* finality assessment forestalls judicial interference until other branches of government—federal, state, and local—have performed their functions. Gene R. Nichol, Jr., *Ripeness and the Constitution*, 54 U. CHI. L. REV. 153, 178 (1987).

Amici are intimately familiar with the benefits of undisrupted local democratic processes to communities and their residents in a broad range of matters where local regulations are applied and processed. These include the following examples:⁶

- The City and County of San Francisco, California, has since 1932 employed its Board of Appeals, a quasi-judicial body, to provide final administrative review for a wide range of City determinations related to permitting, licensing, and other entitlements. Since 2017, the Board of Appeals has held over 200 hearings (over almost 800 hours). The Board plays a key role in interpreting and applying regulations concerning building, planning, forestry, surveying, mapping, and public health.

6. In advance of preparing this brief, Amici surveyed their member localities for informative examples of local processes that have assisted in decision-making and adjudication of various regulatory issues.

- The Zoning Board of Adjustments in the City of Denton, Texas, hears appeals of administrative staff decisions regarding zoning enforcement. In a recent case, a business owner and neighbors had ample opportunity to present evidence and testimony regarding the suitability of manufacturing uses in a mixed-residential zoning district. This process allowed active participation by both the owner and objectors and ultimately resulted in the removal of the manufacturing of an unsafe chemical in a residential district.
- The Town of Payson, Arizona, provides opportunities for applicants and objectors to appeal the decisions of the Town's Planning and Zoning Commission to the Town Council. Often, these appeals result in additional opportunities for applicants, impacted residents, staff, and elected officials to evaluate disputed issues and potentially reach a more responsive development outcome before the "final" decision is made. For example, the Town considered a zoning amendment to an existing development to add a manufactured home overlay. The request involved a 26.1-acre development and opportunities for public hearings. During those hearings, neighbors had the opportunity to express their concerns, resulting in two additional conditions for the development, including minimum fencing and storage requirements. Participation by neighbors in this local process resulted in substantive changes that benefited the community.

- The City of Salt Lake City, Utah, authorizes appeals from decisions of the City's Building Official concerning permit applications and interpretations of its building regulations. These appeals are heard by qualified hearing officers with significant experience in construction, building code interpretation, and technical review of proposed projects, and allow for significant input on proposed projects by the applicant and objectors. Local governments navigate disputes involving landowners and neighbors in a variety of contexts. For example, just this year a hearing officer affirmed the City's issuance of a building permit for a sport court on the landowner's property over the objections of a neighboring condominium association based on the association's hypothetical concerns that certain recreational activities could potentially violate the applicable noise regulations.
- In the Town of Concord, Massachusetts, the Zoning Board of Appeals approved a new 237-unit housing development after strong neighborhood opposition, resulting in concessions and an improvement on the initial project design. The developers agreed to provide affordable housing units, reroute a driveway in response to traffic concerns, and redesign parking areas to preserve trees between the development and existing nearby homes.⁷

7. See Dakota Antelman, *ZBA Green-lights New 237-Unit West Concord Development*, THE CONCORD BRIDGE (Apr. 24, 2025), <https://concordbridge.org/index.php/2025/04/24/zba-green-lights-237-unit-west-concord-development/>.

- The Johnson County, Iowa, Board of Adjustment granted a conditional use permit allowing a congregation to build a house of worship on an eleven-acre agricultural parcel after the school district that owned its leased meeting space scheduled that building for demolition. County planning staff concluded that a church serving the community was consistent with the character of the area and comparable to many others in the county, and recommended approval subject to site plan and traffic study conditions. The neighboring city objected and asked the Board to deny the permit or to impose further requirements. The Board took testimony from the congregation, county staff, members of the public, and the city's engineer, attorney, and mayor, and approved the permit with conditions. The congregation's architect explained that the county's conditional use process was what allowed the congregation to secure a new home within the timeline the demolition imposed, and at a fraction of the infrastructure cost that annexation would have required.
- The City of Orlando, Florida, authorizes appeals of recommendations made by various advisory boards within the City's governance structure. Appeals involving legislative applications are heard by the City Council, while quasi-judicial appeals are heard by qualified hearing officers. Recently, the City Council heard an appeal from residents challenging the decision of the Municipal Planning Board to recommend limitations on public use of an easement for a bicycle/pedestrian

path through the campus of a local school. After considering the appeal, the City Council amended the conditions to allow broader community access, including restricted access to the path during school activities, required meetings between the school principal and neighbors, and the opportunity to revisit the conditions after one year.

In each of the above communities, and countless others, the availability of local processes gives residents and localities the opportunity to solve problems, mediate disputes, and explore regulatory alternatives. These processes are integral to the adoption of a “definitive position” on the many issues reviewed and decided by local governments, and integral to “Our Federalism”. *See Pakdel*, 595 U.S. at 478–79. These examples underscore that community opposition to a proposed project or use does not foreclose further process for owners and developers. Rather, in many cases, objections and concerns serve as a mechanism to encourage compromise and improve initial proposals. Allowing developers, residents, and other parties an express lane to the federal court system before the local process is finalized not only undermines local governments’ police powers in the federalist structure but also abandons opportunities for compromise inherent in local processes subject to community input. As discussed in the next section, these processes have also earned local governments a well-deserved reputation as accountable and responsive to the people.

b. Local governments stand in a unique position of democratic accountability and serve as laboratories for problem solving.

The Court has long recognized that “while the meaning of constitutional guaranties never varies, the scope of their application must expand or contract to meet the new and different conditions which are constantly coming with the field of their operation.” *Vill. of Euclid v. Ambler Realty Co.*, 272 U.S. 365, 388 (1926). Surely no government is more familiar with the rapid pace of change than that which is closest to the people. *See, e.g., Avery*, 390 U.S. at 485 (“This Court is aware of the immense pressures facing units of local government, and of the greatly varying problems with which they must deal.”) This familiarity has a natural corollary: local governments are well-suited to addressing issues that residents face, both constrained and encouraged by accountability to their neighbors and voters. *See Bond v. United States*, 564 U.S. 211, 221 (2011) (federal structure encourages sensitivity “to the diverse needs of a heterogenous society,” resulting in innovative policies and greater democratic accountability (quoting *Gregory*, 501 U.S. at 458)); Briffault, *What About the ‘Ism’? Normative and Formal Concerns in Contemporary Federalism*, 47 VAND. L. REV. 1303, 1317–18 (1994).

As such, “the Constitution does not require that a uniform straitjacket bind citizens in devising mechanisms of local government suitable for local needs and efficient in solving local problems.” *Avery*, 390 U.S. at 485. Rather, the principles of federalism discussed above have put a premium on local problem-solving and policymaking. *See, e.g., Ariz. State Legis. v. Ariz. Indep. Redistricting Comm’n*, 576 U.S. 787, 817 (2015) (citing *Oregon v. Ice*,

555 U.S. 160, 171 (2009); *United States v. Lopez*, 514 U.S. 549, 581 (1995) (Kennedy, J., concurring); *New State Ice Co. v. Liebmann*, 285 U.S. 363, 411 (1932) (Brandeis, J., dissenting)). Indeed, “if the fifty states are laboratories for public policy formation, then surely the 3,000 counties and 15,000 municipalities provide logarithmically more opportunities for innovation, experimentation and reform. Thousands of local governments provide thousands of arenas for innovation and for testing the costs and benefits of those innovations.” Richard Briffault, *Home Rule and Local Political Innovation*, 22 COLUMBIA J. L. & POL. 1, 31 (2006).⁸

Over decades, the Court has acknowledged the fundamentally local nature of land use regulation. *See, e.g., Young v. Am. Mini Theatres*, 427 U.S. 50, 73–74 (1976) (citing *Euclid*, 272 U.S. at 386–87); *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 744 (citing *Warth v. Seldin*, 422 U.S. 490, 508, n. 18 (1975)); *Vill. of Belle Terre v. Boraas*, 416 U.S. 1, 13 (1974) (Marshall, J., dissenting). With fewer and less meaningful opportunities to act, interpret rules and standards, and engage with residents, localities lose this traditional role, which cannot easily be filled through judicial intervention. *See Vill. of Belle Terre*, 416 U.S. at 13 (Marshall, J., dissenting) (“Our role is not and should not be to sit as a zoning board of appeals.”) David S. Mendel, *Determining Ripeness of Substantive Due Process Claims Brought by Landowners Against*

8. Since 2006, the number of counties in the United States has increased to 3,031, and the number of municipalities has increased to 19,489. *See* Mercera Silva & Chris Wintermute, *Government Organization Summary Report: 2022 and 2025*, U.S. CENSUS BUREAU (2026), <https://www.census.gov/library/publications/2026/econ/govtorg2225.html>.

Local Governments, 95 MICH. L. REV. 492, 512 (1996) (noting the “bulky judicial apparatus” is not particularly well-equipped to address “conflicts that are local and usually political in nature”).

While the finality rule announced in *Williamson County* has been applied directly in the land use and zoning context, the rationale presented by the Second and Ninth Circuits in *Guatay Christian Fellowship* and *Murphy* is similarly useful in other matters of local governance. Judicial “appreciation” for “matters of local concern” undoubtedly extends to other areas in which local police powers are at their height. *See Guatay Christian Fellowship*, 670 F.3d at 977 (citing *Murphy*, 402 F.3d 348–49). From waste hauling⁹ to education,¹⁰ public health¹¹ to business licensing,¹² local government has retained significant regulatory authority in matters that undoubtedly benefit the lives of millions of Americans.

The *Williamson County* finality assessment provides assurance that local solutions to local problems are

9. *See United Haulers Ass’n v. Oneida-Herkimer Solid Waste Mgmt. Auth.*, 550 U.S. 330, 344 (2007) (acknowledging the traditional and vital role of local government in waste management).

10. *See Bd. of Educ. v. Pico*, 457 U.S. 853, 863 (1982) (“[P]ublic education in our Nation is committed to the control of state and local authorities . . .”) (citing *Epperson v. Arkansas*, 393 U.S. 97, 104 (1968); *Milliken v. Bradley*, 418 U.S. 717, 741–42 (1974)).

11. *See Nat’l Fed’n of Indep. Bus. v. Dep’t of Lab., et al.*, 595 U.S. 109, 121 (2022) (Gorsuch, J. concurring).

12. *New York ex rel. Lieberman v. Van De Carr*, 199 U.S. 552, 560–62 (1905).

not circumvented by the premature intervention of federal courts. *See Miles Christi Order*, 629 F.3d at 537 (“Haste makes waste, and the ‘premature adjudication’ of legal questions compels courts to resolve matters, even constitutional matters, that may with time be satisfactorily resolved at the local level . . .”). The threat of litigation, the frequency and intensity of which would undoubtedly increase with a relaxed ripeness standard, is likely to alter local processes. *See, e.g.,* David Zhou, *Rethinking the Facial Takings Claim*, 120 YALE L. J. 967, 974 (2011) (noting that easier access to federal court stands to alter behavior of local officials and undermines customary democratic, interactive processes between property owners and government); *Holliday Amusement Co. of Charleston, Inc. v. South Carolina*, 493 F.3d 404, 409 (4th Cir. 2007) (noting finality requirement reduces the risk of “vexatious and repetitive litigation” will impede “legitimate exercises of state police power.”). The Court’s longstanding recognition of the aptitude of local governments to solve local problems counsels against abandoning the *Williamson County* finality rule.

CONCLUSION

For the foregoing reasons, the Court should reaffirm its historic and enduring respect for the role local government plays in the contemporary federalist framework by upholding the workable and modest finality requirement announced in *Williamson County*. The Sixth Circuit’s determination that Petitioner’s claims “never ripened into a dispute suitable for federal review,” and its reliance on *Williamson County*, should stand. *Grand v. City of Univ. Heights*, 159 F.4th at 512.

Respectfully submitted,

AMANDA KARRAS
ERICH EISELT
INTERNATIONAL MUNICIPAL
LAWYERS ASSOCIATION
51 Monroe Street, Suite 404
Rockville, MD 20850

DAVID S. SILVERMAN
Counsel of Record
KURT S. ASPROOTH
ERIN M. MONFORTI
RACHEL L. STEMPLER
ANCEL GLINK, P.C.
140 South Dearborn Street,
Suite 600
Chicago, IL 60603
(312) 782-7606
dsilverman@ancelglink.com

Counsel for Amici Curiae