No. 25-965

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

MOTION OF THE AMERICAN PLANNING ASSOCIATION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT AS AMICUS CURIAE

Pursuant to Rules 21, 28.4, and 28.7 of the Rules of this Court, the undersigned counsel of record, on behalf of the American Planning Association ("APA") respectfully moves for leave to participate in oral argument in this case as amicus curiae supporting neither party and requests that the APA be allowed five minutes of argument time.

This case involves the ripeness of claims alleging violations of the First Amendment, the Fourteenth Amendment, and the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. 2000cc et seq. APA and its professional institute, the American Planning Institute of Certified Planners ("AICP") represent nearly 39,000 practicing planners, elected officials and citizens in state and regional chapters across the United States who are crucially involved in administering land use matters from their beginnings. *See, e.g., Rogin v. Bensalem Tp.* 616 F.2d 680, 698 (3rd Cir. 1980), *cert denied,* 450 U.S. 1029 (1981) ("land use regulation generally affects a broad spectrum of persons and social interest and . . . local political bodies are better able than federal courts to assess the benefits and burdens of such legislation.") Accordingly, the APA is uniquely suited to provide assistance to the Court not otherwise available. The APA has a significant interest as its members are on the front lines of implementing the requirements of RLUIPA, 42 U.S.C. 2000cc-2(f). Therefore, the APA has a significant interest in preserving the proper application of finality requirements that can aid in avoiding unnecessary judicial review. In short, RLUIPA does not replace zoning. *See* 146 Cong. Rec. S7274-0 at *S7776 (RLUIPA does "not provide religious institutions with immunity from land use regulation....").

The APA has filed an amicus brief in this Court, arguing that this Court preserve the finality prong of the test for ripeness as elucidated in *Williamson Cnty, Re. Plan. Comm'12 v. Hamilton Bank of Johnson City,* 473 U.S. 172 (1985) and reaffirmed in *Pakdel v. City and Cnty. of San Francisco,* 574 U.S. 474 (2021). This

appeal is a case of "ifs" rife with speculation. Even if this Court determines that the Respondent's cease and desist order was a prior restraint or that submitting the application for the special permit was futile, the APA's argument for preserving the finality prong for a RLUIPA case, except where futile, is of nationwide importance. From the very beginning of the application process, planners are typically present. They educate the public and their local planning and zoning commissions, zoning boards of appeal, and other land use agencies on administering land use applications, including those that address religious uses and structures and come under the aegis of RLUIPA. They are the professionals most likely to be available at the genesis of an application or land use dispute. They are trained to serve in that role and are best able to avoid the need for courts to speculate on outcomes by crystallizing the administrative records necessary for meaningful and effective judicial review. The APA's participation in oral argument in this case will therefore be of material assistance to the Court.

Respectfully submitted,



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OCTOBER 29, 2026