Bank of America Corp. v. City of Miami, No. 15-1111
Wells Fargo & Co. v. City of Miami, No. 15-1112

The Fair Housing Act permits any "aggrieved person" to file a civil action to seek damages for violations of the statute, defining "aggrieved person" to include "any person who … claims to have been injured by a discriminatory housing practice." The Supreme Court granted certiorari to decide whether that statutory language authorizes suit by any plaintiff who has Article III standing, or whether a plaintiff must also fall within the zone of interests that the statute is designed to protect.

Today, in a 5-3 ruling authored by Justice Breyer, the Court held that a plaintiff must allege injuries that arguably fall within the FHA's zone of interests but interpreted that zone broadly. The action before the Court involved claims by the City of Miami that it had lost tax revenues and sustained additional municipal expenses when banks foreclosed on properties that had been the subject of discriminatory lending procedures. But the Court held that Miami must bear a higher burden to establish that its economic injuries were caused by the banks' alleged misconduct. Rejecting the suggestion that foreseeability alone was sufficient, the Court directed the court of appeals to consider on remand whether there is a *direct* relation between the injury asserted by Miami and the injurious conduct alleged.

Justice Thomas, joined by Justices Kennedy and Alito, dissented. In his view, Miami's injuries fall outside the FHA's zone of interests and are, in any event, too remote to satisfy the FHA's proximate-cause requirement.