15-1111 BANK OF AMERICA CORP. V. MIAMI, FL

DECISION BELOW: 800 F.3d 1262

LOWER COURT CASE NUMBER: 14-14543

QUESTION PRESENTED:

This case concerns who may sue under the Fair Housing Act ("FHA''), and for what types of injury. The FHA, like Title VII, requires that a plaintiff be an "aggrieved" person. A plaintiff is "aggrieved" under Title VII only if the person falls within Title VII's "zone of interests." *Thompson v. North American Stainless, LP*, 131 S. Ct. 863 (2011). But here, although the FHA's language is "nearly identical," the Eleventh Circuit held that the FHA must be interpreted differently-to allow any plaintiff with constitutional standing to bring an FHA suit, even if that person's claim is far outside the zone of interests Congress sought to protect through the FHA. The Eleventh Circuit also held that an FHA plaintiff can adequately allege proximate cause even when the alleged injury is entirely indirect.

These holdings allowed the City of Miami to pursue a remarkably attenuated theory of recovery under the FHA: the City seeks to recover money damages from petitioners, residential mortgage lenders, on the theory that petitioners engaged in discriminatory loan practices, some of those loans fell into default, some defaults led to foreclosures, some foreclosures caused neighborhood blight, the neighbors' decreased property values led to decreased tax revenue, and blight increased the cost of services such as police.

The questions presented are as follows:

1. By limiting suit to "aggrieved person[s]," did Congress require that an FHA plaintiff plead more than just Article III injury-in-fact?

2. The FHA requires plaintiffs to plead proximate cause. Does proximate cause require more than just the possibility that a defendant could have foreseen that the remote plaintiff might ultimately lose money through some theoretical **chain** of contingencies?

CONSOLIDATED WITH 15-1112 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 6/28/2016