



WHAT RECENT SUPREME COURT DECISIONS MEAN FOR STATE LEGISLATORS

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Pacific Legal Foundation (PLF) pursues legislative changes to advance liberty in tandem with its litigation. In light of recent Supreme Court decisions, this research in brief summarizes cases affecting PLF’s practice areas—property

rights, equality and opportunity, separation of powers, and environment and natural resources—with avenues for positive state legislative changes.

SHEETZ V. COUNTY OF EL DORADO, CALIFORNIA (2024)

- State and local government entities can only levy permit fees that are proportional to public costs created by new development.
- Imposing on individual property owners disproportional shares of public costs for amenities available to everyone is unconstitutional.

In 2016, George Sheetz purchased a rural lot in El Dorado, California. When he filed for a permit to build a small home on the lot for himself, his wife, and their grandson, El Dorado County required Sheetz to pay a \$23,420 “traffic impact fee.”¹ Represented by former PLF attorney Paul Beard (now at Pierson Ferdinand), Sheetz brought a lawsuit arguing that the fee was an unconstitutional permit condition. El Dorado County claimed it was permissible since it had been instituted by elected lawmakers, not bureaucrats.

The Supreme Court handed Sheetz a unanimous win. Justice Amy Coney Barrett stated that “there is no basis for affording property rights less protection in the hands of legislators than administrators.”² Therefore, the Court emphasized that the Fifth Amendment Takings Clause “applies equally to both [lawmakers and bureaucrats]—

which means that it prohibits legislatures and agencies alike from imposing unconstitutional conditions on land-use permits.”³

Because of *Sheetz*, lawmakers must ensure that any land-use permits they require are not excessive or unrelated to the impact of proposed developments. The framework for judging these criteria is outlined in a pair of Supreme Court cases: *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard*.⁴ Impact fees must have an “essential nexus” to the development in question⁵—in other words, the government has to show that the development will cause or exacerbate a particular public issue that the fee will solve or alleviate. Additionally, impact fees must have “rough proportionality” to the cost of the development’s impact.⁶

To aid lawmakers seeking to follow *Sheetz*’s directives, PLF has published model legislation: the Safe Harbor from Excessive Exactions Act.⁷ This legislation details how exactions can meet the proportionality requirement. It would require governments to offer builders an individualized explanation of the costs associated with a project as well as remedies if a building permit is denied or unreasonably delayed.

DEVILLIER V. TEXAS (2024)

- States can be sued for Fifth Amendment Takings Clause violations, even if no state law authorizes takings lawsuits.

The Texas Department of Transportation renovated a highway near Richie DeVillier’s cattle ranch, installing a three-foot-tall wall to divide it. The wall effectively acted as a dam, so when torrential rainfalls hit the area during Hurricanes Harvey and Imelda, the surrounding land, including DeVillier’s, was submerged for days. DeVillier suffered the loss of cattle, horses, and equipment on his land during both storms—something that had never happened before the highway barrier’s installation.

Represented by Robert J. McNamara (attorney with the Institute for Justice), DeVillier took the State of Texas to court, arguing that the Fifth Amendment of the US Constitution demands that Texas pay him for the losses it

inflicted by installing the barrier. Texas responded that the Fifth Amendment is not self-executing—in other words, since Congress had never passed a law that Texas had to obey the Fifth Amendment, the state didn’t have to.

In a unanimous opinion, the justices sided with DeVillier. Writing for the Court, Justice Clarence Thomas stated that the American constitutional system relies on states’ “good faith” to ensure that the Constitution is followed.⁸ “We should not ‘assume the States will refuse to honor the Constitution,’ including the Takings Clause,” he continued, “because ‘States and their officers are [also] bound by obligations imposed by the Constitution.’”⁹

State lawmakers should abide by the Fifth Amendment’s requirements. The theory behind Texas’s argument in *DeVillier* was certainly creative, but the Supreme Court’s decision reinforces a timeless American truth: the Constitution is “the supreme Law of the Land.”¹⁰

WILKINS V. UNITED STATES (2023)

- The statute of limitations under the Quiet Title Act is a procedural rule that the government cannot bend in its favor to stop citizens from suing under it.

Veteran Wil Wilkins owns land in rural Montana. The 75-year-old lives next to Bitterroot National Forest, where the peace and quiet of the sparsely populated area helps him manage his post-traumatic stress disorder. Since the 1960s, the National Forest Service (NFS) held a limited-use easement over Wilkins’s land to support logging. In 2006, the NFS expanded the easement to public use, opening the floodgates to myriad nuisances on Wilkins’s property: illegal hunting, speeding vehicles, fire threats, and more. (Wilkins’s cat was even shot by a trespasser—but survived.)

When Wilkins challenged the NFS, agents assured him that the easement would be closed to the public again soon; however, after waiting for years, nothing changed. Represented by PLF attorney Jeffrey McCoy, Wilkins took the NFS to court under the Quiet Title Act, which allows

property owners to sue the United States over a disputed title to property the federal government has claimed an interest in.¹¹ But the government argued—and the court agreed—that the act’s 12-year statute of limitations for Wilkins to bring his claim had expired.

Writing for a 6-3 Court, Justice Sonia Sotomayor found that Wilkins was still able to bring his case, even though more than 12 years had elapsed. She explained that if property owners can make a good case for why they filed suit after the statute of limitations has ended, courts may allow the case to proceed.

Wilkins’s case exemplifies how the government might try to use a procedural rule to bar a lawsuit against itself. The Supreme Court has said that such methods are unfair. As such, state lawmakers should ensure that procedural roadblocks do not stop citizens from exercising their constitutional rights. Any procedural rules that state governments pass must respect citizens’ ability to protect their rights, even against the government.

TYLER V. HENNEPIN COUNTY, MINNESOTA (2023)

- The government cannot take more tax than is owed on a property.

Property owners who are delinquent on their property taxes do not forfeit their Fifth Amendment rights to just compensation. Geraldine Tyler, a senior living alone in the one-bedroom Minneapolis condo she owned, decided to

move from her home in response to rising crime. She rented an apartment in a senior community and did not sell her condo, but also did not pay its property taxes, which soon accrued to \$2,300.¹²

The government compounded these taxes with fees, interest, and penalties until the bill reached \$15,000.¹³ The county government then seized Tyler’s condo, sold it for

\$40,000, and pocketed all of the proceeds—refusing to give Tyler the difference between the sale price and the tax bill.¹⁴

Represented at the Supreme Court by PLF attorney Christina Martin, Tyler argued that the government violated her constitutional rights by keeping the extra \$25,000 from the sale of her home—far above what she owed.

In May 2023, the Supreme Court agreed with Tyler: “The taxpayer must render unto Caesar what is Caesar’s,” wrote Chief Justice John Roberts, “but no more.”¹⁵ In the unanimous opinion, the Court explained that the government may not keep windfall profits, such as the \$25,000 the gov-

ernment made from selling Tyler’s condo. Doing so violates citizens’ Fifth Amendment rights.

State lawmakers working on tax foreclosure legislation should make sure that home equity is returned to homeowners whose property is sold to pay for delinquent taxes and fees. The government can only keep the amount owed to it, not the entire proceeds from the sale.

In light of *Tyler*, PLF has published extensively on citizens’ property rights, including the document *Home Equity Theft is Unconstitutional*.¹⁶ Lawmakers interested in protecting property rights in their state constitutions can consult PLF’s model legislation, particularly the Property Equity Protection Act.¹⁷

STUDENTS FOR FAIR ADMISSIONS V. HARVARD (2023)

- Colleges and universities may not use race as a factor when considering prospective students.
- Only a student’s particular experiences—not broad assumptions about racial experiences—can factor into admissions decisions.

When Asian-American students were denied admission to Harvard University and the University of North Carolina, they wanted to understand why. Prospective students’ applications at these schools undergo several rounds of review and are culled throughout the process. Early rounds consider many factors, including grades, recommendations, extracurriculars, and race. In the final round, admission turns on fewer qualities. If a student is Hispanic or Black, “race is a determinative tip.”¹⁸ Students of other racial backgrounds do not receive this edge.

Represented by Cameron T. Norris (attorney for Consovoy McCarthy), the unadmitted Asian-American students sued Harvard, arguing that the university had capped the number of Asian students it would accept and had systematically marked Asian students as having fewer positive character traits for admittance purposes.¹⁹ Harvard

responded that its percentage of Asian students had increased over the years and that its application process evaluates students on numerous factors.²⁰

“Eliminating racial discrimination means eliminating all of it,” Chief Justice John Roberts wrote in the Court’s 6-2 decision.²¹ He explained that colleges may consider race in their applications processes, but only insofar as applicants share how race has influenced their character and experience—rather than assuming that race is a defining trait of an applicant’s identity.

As lawmakers consider the governance of colleges and universities in their states, they should ensure that explicitly race-based considerations are removed from the admissions process. Proxy discrimination—using facially race-neutral factors, like applicants’ ZIP codes or high schools, to achieve desired racial outcomes—will also likely run afoul of the Court’s directions in *Students for Fair Admissions*.

PLF has conducted extensive litigation on these issues, including the ongoing *Boston Parent Coalition v. Boston School Committee*.²² PLF’s model legislation, the Proxy Discrimination Prohibition Act, provides further suggestions on how to eliminate proxy discrimination.²³

SACKETT V. ENVIRONMENTAL PROTECTION AGENCY II (2023)

- The “navigable waters” mentioned in the Clean Water Act include only wetlands and permanent bodies of water with continuous connections to traditional interstate navigable waters.²⁴

Idahoans Chantell and Mike Sackett purchased a landlocked parcel near Priest Lake to build a family home. But before they could finish construction, the Environmental Protection Agency (EPA) demanded that they stop, claiming that the property contained wetlands protected by the Clean Water Act (CWA).²⁵

The Sacketts’ land contains no streams, rivers, lakes, or similar bodies of water. That didn’t matter to the EPA, which claimed that the soggy but landlocked areas of the Sacketts’ property constituted navigable waters. Represented by PLF attorney Damien Schiff, the Sacketts took the EPA to court, arguing that wetlands unconnected to surface water are not contemplated by the CWA.

At the Supreme Court, the Sacketts received a unanimous victory. Written by Justice Samuel Alito, the majority opinion stated that the CWA’s term “waters” encompasses “only those relatively permanent, standing or continuously

flowing bodies of water ‘forming geographic[al] features’ that are described in ordinary parlance as ‘streams, oceans, rivers, and lakes.’”²⁶ Unless a body of water has a “continuous surface connection” to one of these water features, CWA regulations do not apply.

Though this case concerns federal legislation, lawmakers considering how to protect waters and wetlands in their

WILLIAMS V. REED (2025)

- Citizens need not exhaust state administrative remedies before bringing federal civil rights claims in state courts.

During the COVID-19 pandemic, Alabama’s Department of Labor offered unemployment benefits to residents who satisfied certain requirements. A number of Alabamans applied but never heard whether they were approved or denied benefits—even almost five years later. Others were rejected without explanation.

Represented by Adam Unikowsky (attorney for Jenner and Block), the frustrated applicants filed suit under Section 1983, a federal civil rights law, arguing that Alabama had deprived them of their due process rights by failing to explain its actions. They lost in the Alabama Supreme Court, which held that before the applicants could sue the state, they had to exhaust their administrative remedies by

LOPER BRIGHT ENTERPRISES V. RAIMONDO (2024)

- The Administrative Procedure Act demands that courts use their judgment in determining whether an agency is acting within its authority.
- A court cannot defer to an agency’s interpretation just because the controlling statute is ambiguous.

In 2020, the National Oceanic and Atmospheric Administration (NOAA) promulgated a rule requiring fishing companies to pay for a government service to monitor their herring catches. However, there isn’t a statute that lets the NOAA demand this money from fishermen. When two fishing companies challenged the rule, they lost. The DC Circuit read the law the NOAA invoked to justify its payment requirement according to the NOAA’s interpretation²⁹—a requirement under the *Chevron* doctrine.

Represented by Paul Clement and Roman Martinez (attorneys for Clement and Murphy and Latham and Wilkins, respectively), the fishing companies prevailed at the Supreme Court, with the Court striking down the long-standing *Chevron* doctrine in a 6-2 decision. “[U]nder the

states should consider the ramifications of the terms they use. Piggybacking on federal terms like “waters of the United States” may obfuscate what types of features are contemplated in state legislation. *Sackett II* should remind states that legislation requires strict definitions to convey a law’s intent.

filing complaints through the Alabama Department of Labor’s channels.

The Supreme Court reversed the lower court’s decision. Justice Brett Kavanaugh authored the majority opinion, depicting the Alabama Supreme Court’s ruling as a catch-22: “Because the claimants cannot sue until they complete the administrative process, they can *never* sue under §1983 to obtain an order expediting the administrative process.”²⁷ He continued that the Court “do[es] not permit States to immunize state officials” from civil-rights protections.²⁸

Following *Williams*, state lawmakers must ensure that federal civil rights litigation isn’t hampered by administrative processes. State legislation cannot require that individuals who wish to sue over lack of due process halt their litigation until administrative processes are exhausted because that day may never come.

APA,” Chief Justice John Roberts reasoned, “it thus ‘remains the responsibility of the court to decide whether the law means what the agency says.’”³⁰ Rather than submit to an agency’s preferred interpretation of a statute, the Court decided that courts are free to determine what the law says, instead of kowtowing to agency decisions.

Even with the Court’s result in *Loper Bright*, *Chevron* lives on in some state courts. Other states have enshrined the Court’s decision in their constitutions—placing effective and necessary limits on administrative power and protecting Americans’ constitutional rights.

Most notably, Idaho, Nebraska, and Indiana have passed such legislation—influenced, in part, by PLF’s work. PLF’s extensive reporting about state agencies and courts includes *The Imperative to End Wrongful Judicial Bias*.³¹ Those interested in reading more on PLF’s legislative successes in securing Americans’ constitutional rights when dealing with agencies can visit PLF’s webpage “Do Your Courts Cheat for State Agencies?”³²

NOTES

1. Sheetz v. El Dorado County, 601 U.S. 267, 272 (2024).
2. 601 U.S. 267, 279.
3. 601 U.S. 267, 279.
4. Nollan v. California Coastal Commission, 483 U.S. 825 (1987); Dolan v. City of Tigard, 512 U.S. 374 (1994).
5. 601 U.S. 267, 275 (2024) (quoting Nollan v. California Coastal Commission, 483 U.S. 825 (1987)).
6. 601 U.S. 267, 275–76 (2024) (quoting Dolan v. City of Tigard, 512 U.S. 374, 391 (1994)).
7. Pacific Legal Foundation, *The Safe Harbor from Excessive Exactions Act*, n.d., <https://pacificlegal.org/wp-content/uploads/2024/11/Safe-Harbor-from-Excessive-Exactions.pdf>.
8. DeVillier v. Texas, 601 U.S. 285, 292 (2024) (quoting Alden v. Maine, 527 U.S. 706, 755 (1999)).
9. 601 U.S. 285, 293 (2024).
10. 601 U.S. 285, 293 (2024) (quoting Alden v. Maine, 527 U.S. 706, 755 (1999) (quoting U.S. Const., Art. VI)).
11. Quiet Title Act of 1972, 28 U.S.C. § 2409a.
12. Tyler v. Hennepin County, 598 U.S. 631, 635 (2023).
13. 598 U.S. 631, 635.
14. 598 U.S. 631, 635.
15. 598 U.S. 631, 647.
16. Pacific Legal Foundation, *Home Equity Theft Is Unconstitutional*, n.d., <https://pacificlegal.org/wp-content/uploads/2024/01/Het-is-Unconstitutional.pdf>.
17. Pacific Legal Foundation, *The Property Equity Protection Act*, n.d., <https://pacificlegal.org/wp-content/uploads/2024/05/PLF-HET-Model-Policy.pdf>.
18. Students for Fair Admissions, Inc. v. Presidents and Fellows of Harvard College, 600 U.S. 181, 196 (2023) (citing Students for Fair Admissions, Inc. v. President & Fellows of Harvard College, 397 F. Supp. 3d 126, 178 (Mass. 2019)).
19. Brief for Appellant at 23, 25–27, 600 U.S. 181.
20. Brief for Appellee at 4, 21, 600 U.S. 181.
21. 600 U.S. 181, 206.
22. Compl., Boston Parent Coalition for Academic Excellence Corp. v. Boston School Committee and Mary Skipper, 1:25-cv-12015 (Mass., Jul. 17, 2025).
23. Pacific Legal Foundation, *The Proxy Discrimination Prohibition Act*, n.d., <https://pacificlegal.org/wp-content/uploads/2024/05/PLF-Proxy-Discrimination-Prohibition-Model-Policy-2024.pdf>.
24. Clean Water Act, 33 U.S.C. §1362(7).
25. Sackett v. EPA, 598 U.S. 651, 662 (2023).
26. 598 U.S. 651, 671 (2023) (quoting Rapanos v. United States, 547 U.S. 715, 739 (2006) (quoting Webster’s New International Dictionary 2882 (2d ed. 1954))).
27. Williams v. Reed, 145 S.Ct. 465, 468 (2025).
28. 145 S.Ct. 465, 468.
29. Loper Bright Enterprises, Inc. v. Raimondo, 45 F.4th 359, 369–70 (D.C. Cir., Aug. 12, 2022).
30. Loper Bright Enterprises, Inc. v. Raimondo, 603 U.S. 369, 392 (2024) (quoting Perez v. Mortgage Bankers Assn., 575 U.S. 92, 109 (2015) (Scalia, J., concurring in judgment)).
31. Pacific Legal Foundation, *The Imperative to End Wrongful Judicial Bias*, n.d., https://pacificlegal.org/wp-content/uploads/2024/01/PLF380_End-Wrongful-Judicial-Bias-Model-Policy.pdf.
32. “Do Your Courts Cheat for State Agencies?,” Pacific Legal Foundation, accessed August 5, 2025, <https://pacificlegal.org/state-deference-map/>.

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