

Nashville Settles Case Challenging Unconstitutional Sidewalk Law
**Nashville agrees to pay \$375,000 in settlements for
violating citizens' property rights**

On August 16, 2023, the Metro Nashville Council settled its cases challenging its controversial sidewalk law. The settlement award ends years of litigation with private property owners represented by two nonprofit litigation firms: Southeastern Legal Foundation ([SLF](#)) and [Beacon Center of Tennessee](#). A recent [ruling](#) by the Sixth Circuit found that Nashville's law violated the Fifth Amendment by taking property without compensating the landowner.

First enacted in 2018, Nashville's law required property owners pay to build city owned sidewalks or pay an in-lieu fee before Nashville would issue homebuilding permits.

Two Nashville-area property owners, Jim Knight and Jason Mayes, challenged the law after Metro told them they could only have a permit to construct new homes if they built sidewalks that would not connect to any others (Nashville's famous sidewalks-to-nowhere) or paid Nashville a hefty fee. In both cases, the private property owners would have had to spend approximately \$9,000 to pay for city-owned sidewalks. Under the settlement, they will receive \$224,343 in reimbursement and attorneys' fees. Nashville also approved a settlement in a similar case totaling \$150,674.

Braden H. Boucek, SLF Director of Litigation, said, "treating your citizens like ATMs comes at a cost." Kimberly Hermann, SLF General Counsel, added "the settlement is a just resolution. For far too long, Nashville victimized its own citizens by making them patch budget holes instead of engaging in responsible fiscal management."

Jason Mayes celebrated the ruling. "I'm not a developer. This is the house where I live with my wife and kids. The money Nashville demanded from me just meant less money for my family."

Jim Knight also said: "Nashville's law was foolish and destructive. Demanding people pay for sidewalks to nowhere that no one will ever use just makes housing more expensive and the city a laughingstock."

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