STATE OF MINNESOTA
IN SUPREME COURT
A25-1220
A25-1221

Housing First Minnesota,

Appellant,

v.

City of Corcoran,

Respondent (A25-1220).

Housing First Minnesota,

Appellant,

v.

City of Dayton,

Respondent (A25-1221).

BRIEF OF *AMICUS CURIAE* INSTITUTE FOR JUSTICE

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STATEMENT OF *AMICUS CURIAE*[1]

The Institute for Justice ("IJ") is a nonprofit, public-interest law firm committed to defending the essential foundations of a free society by securing greater protection for individual liberty and by restoring constitutional limits on the power of government. As part of that mission, IJ litigates constitutional and other civil rights cases in state and federal courts nationwide to defend property rights, economic liberty, freedom of speech, and the rule of law.

In a large number of IJ's cases—some of which we detail below—we rely on the Unform Declaratory Judgments Act. The court of appeals in this case distinguished one of those cases: *McCaughtry v. City of Red Wing*, 808 N.W.2d 331 (Minn. 2011). In that case, as in many others, our clients have depended on the UDJA to challenge the validity of statutes and ordinances when trying to vindicate their rights. This is true of countless other civil rights plaintiffs represented by lawyers of all kinds in Minnesota and across the country. If followed, the court of appeals' decision below could nullify those efforts. The UDJA and this Court's precedent says otherwise. This Court should reverse.

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[1] Counsel certifies that this brief was authored in whole by listed counsel for *amicus curiae* Institute for Justice. No person or entity other than *amicus curiae* made any monetary contribution to the preparation or submission of the brief. This brief is filed on behalf of the Institute for Justice, which was granted leave to participate as *amicus curiae* by this Court's Order dated September 22, 2026.

STATEMENT OF THE CASE AND FACTS

Amicus adopts the Statement of the Case and Statement of Facts set forth in the Brief of Appellant Housing First Minnesota.

ARGUMENT

In the early twentieth century, Minnesota, the federal government, and almost every other state made a discovery: Parties could better resolve their disputes in court without first putting themselves into legal peril outside of court. The innovative mechanism was the declaratory judgment. To make this happen, the Minnesota legislature and many others adopted the Uniform Declaratory Judgments Act. This law has many explicit applications enumerated in its text. One of the most important applications, and that the present case concerns, is enabling people to challenge the validity of statutes and ordinances.

Fast forward a hundred years and the innovation has proved remarkably successful. Across the country, people of all kinds regularly file actions in state courts against governments and government officials via the Uniform Declaratory Judgments Act. They do this as a means of challenging the validity of statutes and ordinances. As long as the plaintiffs have standing, state courts, including this Court, regularly reach the merits in those actions. In our experience, the UDJA is the primary tool by which Americans exercise judicial

review of unconstitutional or otherwise unlawful legislation as a matter of state law. (As a matter of federal law, the primary tool is 42 U.S.C. § 1983.)

Yet according to the court of appeals below, those courts, including this Court, should not be hearing these cases because the plaintiffs in them lacked an underlying cause of action.

With all due respect to the court of appeals, it erred in concluding there is another, heretofore missed, requirement plaintiffs need to satisfy when challenging the validity of a law. Plaintiffs who have standing—something the court of appeals concluded Appellant has—do not need a separate cause of action to challenge an unconstitutional or otherwise invalid law beyond the UDJA and their underlying merits claim. The court of appeals' conclusion misunderstands the UDJA itself and how this Court and other courts have interpreted it since it was adopted almost a century ago.

We at IJ know this because we challenge state laws and local ordinances in state courts all over the country. Most of those lawsuits are filed under the respective state's UDJA. In our experience, no court has said that even though our clients have standing they nevertheless cannot go forward to the merits of the challenge because they lack a distinct cause of action. That is because there is no other cause of action that they need beyond the UDJA and their underlying merits argument. The same is true for Housing First Minnesota in this case.

In the following, we begin with some examples of where IJ has challenged statutes and ordinances in state courts under the UDJA and the courts have reached the merits without any mention that our clients needed a cause of action in addition to the state's UDJA and our underlying merits claims. We also give some examples of cases other lawyers have litigated, from this state and elsewhere.

We then turn to the text and history of the UDJA itself to demonstrate that our experience is exactly what one would expect. We also examine what challenges to laws were like in Minnesota before the UDJA and how, although such challenges were possible, the legislation was a big step forward for allowing the resolution of disputes. This historical examination yields two conclusions. First, if a distinct cause of action is needed in the present matter the UDJA provides it. Second, even before the UDJA parties could bring lawsuits like Housing First Minnesota's, especially via a bill in equity. These did not have any particular cause of action. However, because those efforts were nevertheless often clunky and procedurally awkward, the UDJA was an advancement for regularizing and standardizing how Minnesotans challenge the validity of their laws.

Finally, we address some confusion on what this Court has said about a cause of action that may have led the court of appeals to overthink the issue. In a

challenge to the validity of a law there is no cause of action requirement in addition to (1) standing, (2) the UDJA, and (3) a merits claim.

I. Numerous State Courts Have Heard Our Claims in UDJA Cases and None of Them Have Required an Additional Cause of Action.

IJ has a special interest in this case, as we were the plaintiffs' attorneys in a key precedent the court of appeals distinguished, *McCaughtry v. City of Red Wing*, 808 N.W.2d 331 (Minn. 2011). There, a coalition of tenants and landlords challenged a rental inspection ordinance via the UDJA. The court of appeals concluded that our clients lacked standing, but this court reversed, finding the issue was technically one of ripeness, not standing per se, and that the matter was ripe for a ruling. *Id.* at 338.

Along the way this Court ruled on several important issues related to the Minnesota Declaratory Judgments Act, Minn. Stat. §§ 555.01 *et seq*., entirely in keeping with our experience elsewhere. Such as: "Under the Declaratory Judgments Act, courts have the 'power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.'" *McCaughtry*, 808 N.W.2d at 337 (quoting Minn. Stat. § 555.01). And: "The Declaratory Judgments Act 'is remedial, intended to settle and to afford relief from uncertainty with respect to rights, status, and other legal relations.'" *Id.* (quoting *Holiday Acres No. 3 v. Midwest Fed. Savs. & Loan Ass'n of Minneapolis*, 271 N.W.2d 445, 447 n.2 (Minn. 1978) (also noting that Minn. Stat. § 555.12 states the Act is to be "liberally

construed and administered"). And most importantly for the instant case: "The Declaratory Judgments Act specifically provides for challenges to the validity of a municipal ordinance that 'affect[s]' the rights of a person" and that therefore "we have long held that a declaratory judgment action is proper to test the validity of a municipal ordinance, regardless of whether another remedy exists." *Id.* (citing Minn. Stat. § 555.02 and *Barron v. City of Minneapolis*, 212 Minn. 566, 569-70, 4 N.W.2d 622, 624 (1942)).

The lesson from *McCaughtry* is that if a person has standing (and its cousin ripeness) to challenge an ordinance, then they can use a declaratory judgment action to challenge the validity of that ordinance.[2] The Court in no way hinted that there is some additional cause of action requirement.

McCaughtry was not a one-off. It demonstrates the standard method by which this Court, and so many other courts, hear challenges to the validity of laws. Another example from this Court is a case our friends at the ACLU-MN litigated a few years ago. *Schroeder v. Simon*, 985 N.W.2d 529 (Minn. 2023),

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[2] The standing requirement, of course, would usually mean the ordinance is causing the plaintiff an injury in fact or that the legislature has otherwise granted standing. *Webb Golden Valley, LLC v. State*, 865 N.W.2d 689, 693 (Minn. 2015). And even above and beyond this, in Minnesota a party also might have standing under an alternative route, such as that the issue capable of repetition yet evading review or taxpayer standing. *See Kahn v. Griffin*, 701 N.W.2d 815 (Minn. 2005) (capable of repetition); *In re Sandy Pappas Senate Comm.*, 488 N.W.2d 795 (Minn. 1992) (taxpayer standing).

addressed challenges under the Minnesota Constitution to restrictions on felon voting. Along the way the Court blandly noted that it was "an action for declaratory relief and injunctive relief . . . ." *Id.* at 533. Was *Schroeder* filed under some other means of obtaining those forms of relief separate from the UDJA? Or was there some special cause of action beyond the plaintiffs' merits claim and the UDJA in that case?

No. The complaint, which was organized and structured like many IJ complaints, invoked the Minnesota Declaratory Judgments Act.[3] If this Court had treated that case like the court of appeals did in the instant matter, it would have thrown the case out for lack of a distinct cause of action.

Now we can look at a few examples from IJ cases in sister state high courts. Earlier this year, the Pennsylvania Supreme Court ruled for our clients and unanimously rejected the "open fields doctrine" under its constitution. *Punxsutawney Hunting Club, Inc. v. Pa. Game Comm'n*, 360 A.3d 828 (Pa. 2026). We represented a hunting club which objected to state agents trespassing on their property without a warrant. They challenged the constitutionality of game-

[3] The ACLU-MN's complaint in that case is available here: https://www.aclu-mn.org/cases/schroeder-v-mn-secretary-state/?document=Schroeder-v-Simon-Complaint-FILED-102119PDF#documents (¶¶ 14-16). In addition to invoking the UDJA, it simply averred that district courts in Minnesota are courts of general jurisdiction, citing Minn. Stat. § 484.01 and Article VI, § 3 of the Minnesota Constitution. *Id.*

inspection laws that sanctioned those inspections, arguing they violated the Pennsylvania Constitution. As in the present matter, the complaint invoked Pennsylvania's materially identical version of the UDJA.[4] When the court ruled in our clients' favor, the fact that the case had been brought via the UDJA was almost too inconsequential to mention. *Id.* at 843 ("[T]he Hunting Clubs filed a petition for review in the nature of a complaint for declaratory and injunctive relief . . . ."). There was no mention of any need for an additional cause of action or what that might even be. Any cause of action beyond the UDJA was the argument that the statutes violated Article I, § 8 of the Pennsylvania Constitution. *Id.*

Moving south down the Eastern Seaboard, we come to Georgia, where IJ represented women challenging a protectionist law that required a hard-to-obtain license before they could advise new mothers on how to breastfeed their babies. The case was first dismissed in state trial court, the court finding that our clients would not be able to prevail on their state constitutional due process and equal protection claims. However, the Georgia Supreme Court reversed and remanded, allowing us to proceed to the merits. *Jackson v. Raffensperger*, 843 S.E.2d 576 (Ga. 2020). Three years later, we were at the state supreme court again,

[4] Complaint available at https://ij.org/wp-content/uploads/2021/12/Complaint.pdf (¶ 5). Pennsylvania's Declaratory Judgments Act may be found at 42 Pa. Cons. Stat. §§ 7531 *et seq*.

where our clients prevailed with their due process claim, the court ruling that the licensing law violated our clients' right to earn a living. *Raffensperger v. Jackson*, 888 S.E.2d 483 (Ga. 2023). In neither opinion did the Georgia Supreme Court even bother to note the case had been brought under the UDJA, instead simply stating our clients had "filed a complaint against the Secretary of State challenging the constitutionality of the Georgia Lactation Consultant Practice Act . . . ." *Jackson*, 843 S.E. 2d at 578. Like in the above cases, our complaint simply noted the UDJA and moved on. The court did not question whether there was some other cause of action our clients needed before walking through the courthouse doors.[5] Any cause of action beyond the UDJA was the argument that the statute violated Article I, § 1, ¶ 1 of the Georgia Constitution.

On a less happy note for IJ—but equally satisfactory from a UDJA standpoint—the South Carolina Supreme Court recently upheld the constitutionality of the state's ban on renewing prescriptions with online eyesight testing. *Opternative, Inc. v. S.C. Bd. of Med. Exam'rs*, 926 S.E.2d 224 (S.C. 2026). We filed the lawsuit on behalf of our entrepreneurial clients who offered online eye examinations in 2016 as a UDJA action, challenging the

[5] Complaint available here: https://ij.org/wp-content/uploads/2018/06/Final-Verified-Petition-with-Exhibits.pdf (¶ 22). Georgia's version of the UDJA is, again, materially identical to Minnesota's. Ga. Code Ann. §§ 9-4-1 *et seq*.

constitutionality of a statute.[6] In its ruling on the merits the state supreme court did not even mention that it was a declaratory judgment case. Indeed, and revealingly for the present matter, earlier in the litigation our clients had had to appeal to the Court of Appeals of South Carolina after the trial court had dismissed the case for lack of standing. *Opternative, Inc. v. S.C. Bd. of Med. Exam'rs*, 859 S.E.2d 263 (S.C. Ct. App. 2021). The court of appeals reversed, ruling our clients had standing to bring the pre-enforcement challenge and stating: "Opternative seeks declaratory judgment of the Act's validity, and a party does not have to first violate a statute to challenge its validity." *Id.* at 269 (also stating in a parenthetical, "The Declaratory Judgments Act should be liberally construed to accomplish its intended purpose of affording a speedy and inexpensive method of deciding legal disputes and of settling legal rights and relationships, without awaiting a violation of the rights or a disturbance of the relationships." (citation omitted)). Despite all this litigation over *standing*, there was no demand that our clients have some distinct cause of action. Any cause of action beyond the UDJA was the argument that the statute violated Article I, § 8 of the South Carolina Constitution. *Opternative, Inc.*, 926 S.E.2d at 226.

[6] Complaint available at https://ij.org/wp-content/uploads/2016/10/Opternative-Complaint_Final-10192016-Version.pdf (¶ 2). South Carolina's version of the UDJA is also materially identical to Minnesota's. S.C. Code §§ 15-53-10 *et seq*.

If challenges to invalid statutes would not work for want of a cause of action beyond the UDJA and the underlying merits, then a court would not need to worry about sovereign immunity. Yet the Supreme Court of Texas—no foe of the doctrine of sovereign immunity—ruled that the Texas Declaratory Judgments Act is a legislative waiver of sovereign immunity. It did so in an IJ case, *Patel v. Texas Department of Licensing & Regulation*, 469 S.W.3d 69 (Tex. 2015), where we represented eyebrow threaders who challenged a requirement that they obtain an esthetician's license even though they would learn almost nothing about eyebrow threading in the mandated 750 hours of training. The court found the license unconstitutional under Texas's Due Course of Law Clause as applied to our clients. *Id.* at 90. But before doing so it not only first explained that a UDJA suit is the proper way of challenging the constitutionality of a statute, but also that in enacting the UDJA the legislature had affirmatively waived sovereign immunity to allow such suits. *Id.* at 76. That ruling is irreconcilable with the idea that the UDJA does not recognize a cause of action to challenge unconstitutional laws.

We could go on with other cases IJ has litigated but that should be enough to demonstrate that this Court and courts elsewhere do not demand an

additional cause of action when people who have standing challenge the validity of statutes and ordinances under the UDJA. [7]

We close this section with a few more examples from cases that other lawyers have litigated to demonstrate this is not just how things work in our or the ACLU's matters, but generally in declaratory judgment cases challenging the validity of laws. *Olson v. Town of Cottage Grove*, 2008 WI 51, ¶¶ 28, 44 (allowing declaratory judgment suit to go forward challenging the validity of a zoning ordinance with no cause of action beyond the property owner's underlying merits arguments); *Shavers v. Kelley*, 267 N.W.2d 72, 81-83 (Mich. 1978) (finding plaintiffs had standing to challenge the constitutionality of a no-fault insurance law, and then finding portions of the law unconstitutional, without requiring any cause of action beyond the declaratory judgments act and the underlying merits arguments); *Kuhlman v. State*, 892 S.E.2d 753, 760 (Ga. 2023) ("OCGA § 9-4-2 [the UDJA] created a cause of action for declaratory relief"); *Holcomb v. City of Bloomington*, 158 N.E.3d 1250, 1256 (Ind. 2020) (city could sue governor under the UDJA in challenging statute governing annexation); *Jones v. Bd. of Trs.*, 910

[7] IJ recognizes that this Court has asked the parties to brief whether Housing First Minnesota has standing. Although we do not address the issue in any depth in this brief, we contend Housing First Minnesota does have standing and that the answer is an easy call. Its members are being injured through paying fees they contend are unlawfully high, that injury is traceable to the ordinances, and it would be remedied with a ruling in Housing First Minnesota's favor.

S.W.2d 710, 713 (Ky. 1995) (In matter where plaintiffs asked for a declaratory judgment, stating, "It would undermine and destroy the principle of judicial review to hold that the General Assembly could act with immunity, contrary to the Kentucky Constitution. Any such holding would leave citizens of this Commonwealth with no redress for the unconstitutional exercise of legislative power. This we will not do."); *Rebman v. Parson*, 576 S.W.3d 605, 609 (Mo. 2009) ("The declaratory judgment is intended 'to settle and to afford relief from uncertainty and insecurity with respect to rights, status and other legal relations.' § 527.120. The interest of being 'free from the constraints of an unconstitutional law' is an interest that 'is entitled to legal protection.' *Mo. Alliance for Retired Ams. v. Dep't of Labor & Indus. Relations*, 277 S.W.3d 670, 677 (Mo. en banc 2009)."); *Claremont Sch. Dist. v. Governor*, 761 A.2d 389, 391 (N.H. 1999) ("The declaratory judgment statute, RSA 491:22 (1997), 'has long been construed to permit challenges to the constitutionality of actions by our government or its branches.' Because the plaintiffs sought injunctive relief and a declaratory judgment that the system by which the State funded public education was unconstitutional and thus void, the court had jurisdiction to grant equitable relief." (citation omitted)).

II. The Text and History of the UDJA Makes Clear That It Allows Plaintiffs With Standing to Challenge the Invalidity of Statutes and Ordinances.

It is worth taking a step back and noting what the UDJA says and why it was written in the first place. We will do that here and then turn to how parties

challenged the validity of laws before the UDJA. This overview will lead to two conclusions: (1) If a cause of action is needed in a suit such as the present one, the UDJA itself provides it, and (2) even before the UDJA parties could challenge the validity of laws in similar ways, often through a bill in equity. However, the second conclusion does not mean the UDJA was not useful. The earlier methods were not ideal mechanisms. The UDJA was a great improvement in regularizing and streamlining challenges to the validity of laws.

First, what the UDJA says. Minn. Stat. § 555.01 announces, in part:

> Courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for.

Thus, courts have "power to declare rights" even if other forms of relief—such as damages or injunctions—"could [or could not] be claimed."

Then, Minn. Stat. § 555.02 tells us what this "power to declare rights" can be used for:

> **Any person** interested under a deed, will, written contract, or other writings constituting a contract, or **whose rights, status, or other legal relations are affected by a statute, municipal ordinance**, contract, or franchise **may have determined any question of construction or validity** arising under the instrument, statute, ordinance, contract, or franchise **and obtain a declaration of rights, status, or other legal relations thereunder**.

(Emphasis added.)

If you were a legislator looking to pass a law to provide the people of your state—such as the members of Housing First Minnesota—a mechanism to challenge the validity of statutes and ordinances, it is hard to think of clearer language. The Act states that courts have power to declare rights, including rights affected by the validity of a statute or ordinance, and that people have the ability to ask courts to rule on those laws' validity.

Of course, the UDJA concerns many other types of suits than those challenging the validity of a law. At bottom, though, what ties challenges to statutes and ordinances with private suits regarding contracts, wills, etc., is that a declaratory judgment is a mechanism to have rights adjudicated without first putting oneself into legal peril. Challenges against the government to adjudicate the validity of laws are simply one example, although a very important example from the standpoint of protecting our rights and liberties.

One of the champions of the UDJA was Professor Edwin Borchard of Yale. In 1934, shortly after Minnesota adopted the UDJA, he took to the pages of the *Minnesota Law Review*. He explained that the declaratory judgment was not entirely something new. Courts, especially courts of equity, had long ruled on the rights of parties as defined by laws and legal documents. Edwin M. Borchard, *The Uniform Declaratory Judgments Act*, 18 Minn. L. Rev. 239, 246 (1934) (explaining that "the procedure is not really novel, for, without mentioning the

identifying name as declaratory relief, it has long been used by courts of equity; the statute is, in effect, merely a direction to use a long-existing and often exerted power"). What the UDJA did was to regularize, formalize, and specifically codify this kind of relief, explicitly giving parties a *mechanism* to have their rights declared, especially before the need for damages or even an injunction might arise, and a *remedy* to achieve that declaration. *Id.* at 244 (stating that the highest need for the UDJA was where a plaintiff's only other option was to creatively "by threat or violence . . . lay the foundation for an injunction or damages"). In this way, Borchard explained, although declaratory judgments are often coupled with injunctions (as Housing First Minnesota is also seeking here and as IJ often does in our cases), a declaratory judgment is not an equitable remedy and is not legal either. *Id.* at 246-47 ("While the declaratory action has its historical source in equity procedure, declaratory relief is neither essentially equitable nor legal in character, but is special and sui generis, applicable in any court."). It is a statutory creation ensuring that courts can determine rights without having "to destroy the status quo." *Id.* at 257.

Unsurprisingly, Borchard included challenges to the validity of statutes and ordinances within this mechanism of adjudicating rights without having to destroy the status quo. As he put it in his treatise: "In countries . . . where the constitutionality or validity of statutes and ordinances can be judicially

challenged, and where the declaratory judgment is known, it is a regular practice to use this simple device to attack the constitutionality or validity, or the construction or interpretation, of a statute or municipal ordinance." Edwin Borchard, Declaratory Judgments 764 (2d ed. 1941).

Before the UDJA, could Minnesotans challenge the validity of statutes and ordinances without "destroying the status quo"? Yes, they could. But it was more complicated. Because there was no officially recognized declaratory judgment remedy nor a statutorily created mechanism allowing a plaintiff to obtain one, Minnesotans sometimes would ask for an injunction or something like an injunction via an old-fashioned bill of equity. For example, in *Williams v. Evans*, 139 Minn. 32, 165 N.W. 495 (1918), an employer challenged a new statute and the orders implementing it that regulated wages. It named the members of the board responsible for the law and asked for an injunction. *Id.* at 495. This Court addressed the merits, just as it might in a UDJA action today, and upheld the law. Similarly, in *Schulte v. Fitch*, 162 Minn. 184, 202 N.W. 719 (1925), a group of cattle owners challenged a new inspection law. They filed a lawsuit and asked for an injunction. *Id.* at 720. Again, this Court addressed the merits and upheld the law. In contrast, in *State ex rel. Greenberg v. Erickson*, 159 Minn. 287, 198 N.W. 1000 (1924), the guardian of a minor challenged the unavailability of a hunting license for minors, where the relevant statute only allowed for licenses for those

over 21. The mechanism used in the case was a writ of mandamus issued to the county auditor. *Id.* The Court ruled the exclusion of minors unconstitutional. *Id.*

The actions in *Williams* and *Schulte* should seem familiar. Such bills in equity are materially the same method that the U.S. Supreme Court recognized in *Ex parte Young*, 209 U.S. 123 (1908).[8] That case is best remembered today as establishing that a state's sovereign immunity does not prevent a suit for equitable—and we would now add, declaratory—relief against officials responsible for enforcing the law. But at bottom *Ex parte Young* was an equitable action brought under a federal court's federal question jurisdiction against the Minnesota Attorney General seeking an injunction to prevent the enforcement of a law on the grounds that it was unconstitutional. *Id.* at 149. Other than the fact that this case involves general jurisdiction, not federal jurisdiction, that is not far off what Housing First Minnesota is doing here. The UDJA, however, makes that entire process much more straightforward. It provides a mechanism and an additional remedy. It also removes the need to reach for more inventive and precarious remedies, such as the writ of mandamus in *Greenberg*.

Further, none of these cases mentioned in the last two paragraphs from the early twentieth century contain the phrase "cause of action." They simply were

[8] A difference being that unlike in federal court, which are of limited jurisdiction, Minnesota district courts are of general jurisdiction.

equitable actions where plaintiffs challenged the validity of laws and asked for forms of equitable relief. No additional "cause of action" was required. Indeed, it is somewhat anachronistic to ask for a plaintiff in an equitable suit to possess a "cause of action." In contrast to common law courts, courts of equity did not even *have* "causes of action" in the sense we use that term today, and certainly not in the sense the court of appeals used it in this case. *See* Samuel L. Bray & Paul B. Miller, *Getting Into Equity*, 97 Notre Dame L. Rev. 1763, 1772-76 (2022) (explaining that unlike in common law courts, courts of equity did not have forms of action or causes of action and instead looked to what the grievance was of the party asking for equitable relief).

From this historical overview, two conclusions follow.

First, if Housing First Minnesota needs a "cause of action" in the sense the court of appeals used that term below, the UDJA supplies it. Minn. Stat. § 555.02 confers on any person whose rights are affected by a statute or ordinance the ability to have a court determine the law's validity and receive a declaratory judgment as a remedy. *Cf. Kuhlman*, 892 S.E.2d at 760 (stating the UDJA "created a cause of action for declaratory relief"). Nothing else is needed.

Second, even before the UDJA, Housing First Minnesota could have gone to court to challenge a law's validity. It is just that the route was clunkier and the remedies not as clear. At that time, people seeking to challenge the validity of a

law simply needed (1) standing and (2) an underlying merits claim. They could bring suit under the general jurisdiction of Minnesota's courts and call upon the courts' equitable powers. That being said, simply reaching for a bill in equity was not ideal, as Professor Borchard and others realized. In that old way of doing things, plaintiffs would need to ask for an injunction or contort things and ask for a writ of mandamus or some other extraordinary remedy. In fact, Congress recognized this when it adopted the federal version of the UDJA in 1934, just months after Minnesota had. *See Steffel v. Thompson*, 415 U.S. 452, 466 (1974) ("That Congress plainly intended declaratory relief to act as an alternative to the strong medicine of the injunction and to be utilized to test the constitutionality of state criminal statutes in cases where injunctive relief would be unavailable is amply evidenced by the legislative history of the Act . . . .").

The UDJA codified a cause of action and a clear mechanism to adjudicate rights. But it also provided an additional *remedy*: the declaratory judgment, a statutory innovation that improved upon the remedies that were previously available.

Of course, today plaintiffs still can ask for and receive additional remedies, including injunctions, under the UDJA. But whether they do or not, the UDJA regularizes and streamlines the process with its clear language, removing any doubt that people can have their day in court when their rights are unclear.

III. The Court of Appeals Misunderstood What This Court Has Said About the Need for a Cause of Action in UDJA Cases.

Does the above argument mean that, assuming a person has standing, they can sue the government without a cause of action? It depends on what one means by "cause of action." If "cause of action" means a legal argument in favor of a plaintiff's rights, such as Housing First Minnesota's arguments that the challenged ordinances violate the state building code, then, yes, a person needs a cause of action. But it is undisputed in this case that the Appellant has one. The state building code argument may or may not be correct on the merits but it is a "legal theory of a lawsuit," which is one definition of "cause of action." Black's Law Dictionary 214 (7th ed., Garner 1999) (also providing "[a] group of operative facts giving rise to one or more bases for suing" and "[l]oosely, a lawsuit" as definitions of "cause of action").

However, if "cause of action" means a statutory or common-law vehicle for bringing a legal theory into court and asking for a declaratory judgment then, as discussed above in Section II, the UDJA itself provides one. (As we argued in Section II, if a plaintiff is suing in equity and asking for an injunction the plaintiff does not even need the UDJA.) Put another way, Housing First Minnesota does not need the legislature to pass an additional statute above-and-beyond the UDJA specifically saying builders can sue cities to adjudicate whether the fees they charge are based on invalid ordinances. Yet that is the implication when the

court of appeals said, "a party seeking a declaratory judgment must present an independent, underlying cause of action based on a common-law or statutory right." *Hous. First Minn. v. City of Corcoran*, 2026 Minn. App. Unpub. LEXIS 360, at *16 (Minn. Ct. App. Apr. 13, 2026). That holding was without merit.

The court of appeals relied on language from *Weavewood, Inc. v. S & P Home Investors, LLC*, 821 N.W.2d 576 (Minn. 2012) for this conclusion. But it greatly overread that case. *Weavewood* simply concerned what statute of limitations, if any, to apply to a UDJA matter. This Court rejected the argument that because the UDJA does not itself contain a statute of limitations then there is no limit at all on UDJA suits. Instead, the Court explained that one looks to "the underlying substantive law, including any applicable defenses, [which] forms the foundation for a declaratory judgment action." *Id. at* 579. And it also said, "a complaint requesting declaratory relief must present a substantive cause of action 'that would be cognizable in a nondeclaratory suit.'" *Id.* (citation omitted). It then stated that in that particular case the underlying legal theories were "fraud, unjust enrichment, and invalidity of the mortgage and foreclosure" and remanded to determine the proper time limits to apply. *Id.* at 581.

Weavewood's requirement is satisfied in this case but it also is beside the point. There is no statute of limitations issue before the Court. The underlying cause of action is simply Housing First Minnesota's substantive argument that

the ordinances in question violate the state building code (and, before the other claims were dismissed, violated various constitutional provisions) and the UDJA allowing it to ask for a declaratory judgment as a remedy. *Weavewood* is only relevant for what would be the statute of limitations for Appellant's claims. Of course, as a matter of prospective relief, a statute of limitations is irrelevant anyway.

This reading of *Weavewood* puts it in accord with what this Court has traditionally said about a plaintiff not needing anything further than the UDJA to have a cause of action. *See, e.g.*, *State ex rel. Smith v. Haveland*, 223 Minn. 89, 92, 25 N.W.2d 474, 477 (1946) (explaining that while a plaintiff "need not necessarily possess a cause of action (as that term is ordinarily used) as a basis for obtaining declaratory relief nevertheless he must, as a minimum requirement, possess a bona fide legal interest which has been, or with respect to the ripening seeds of a controversy is about to be, affected in a prejudicial manner"). To obtain a declaratory judgment a plaintiff needs standing and the UDJA. Both are satisfied here.

CONCLUSION

This Court should reverse the court of appeals and rule that Housing First Minnesota can challenge the validity of the ordinances at issue under the UDJA. It should also clarify that the UDJA is a proper method that plaintiffs can use

when challenging the validity of statutes and ordinances and that beyond their underlying legal theories on the merits there is no further need for a distinct cause of action for them to obtain a declaratory judgment.

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Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

This brief complies with the requirements of Minn. R. Civ. App. P. 132 for a brief prepared with proportional font. This brief was prepared using Microsoft Word for Microsoft 365, version 2609, complies with the typeface requirements using Book Antiqua, 13-point font, and contains 5,789 words, exclusive of the table of contents, table of authorities, and signature block.

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