IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
FILED
August 3, 2020
Lyle W. Cayce
Clerk

No. 19-10826

TENTH STREET RESIDENTIAL ASSOCIATION,

Plaintiff - Appellant

v.

THE CITY OF DALLAS, TEXAS,

Defendant - Appellee

Appeals from the United States District Court
for the Northern District of Texas

Before DAVIS, JONES, and ENGELHARDT, Circuit Judges.

KURT D. ENGELHARDT, Circuit Judge:

In 2010, the City of Dallas ("the City") amended its City Code to streamline its procedure for demolishing dilapidated historical homes smaller than 3,000 square feet. Plaintiff-Appellant, Tenth Street Residential Association ("TSRA"), sought to enjoin demolitions under the new ordinance, alleging that the demolitions were threatening the neighborhood's status as a historical district. The district court found TSRA's injuries constitutionally insufficient and dismissed its claims because it lacked standing. Because we agree that TSRA failed to prove that its injuries are traceable to the City's alleged misconduct and that its injuries are redressable, we affirm.

I.

Tenth Street Historic District is one of a few remaining Freedmen's Towns in the nation and the only remaining one in Dallas. Today, the Tenth Street population is predominantly Black and Hispanic. TSRA is Tenth Street's neighborhood association, whose members are owner-occupants of single-family homes in the District. The struggle to preserve the historic nature of the District has been a long, fraught battle. Tenth Street was zoned commercial use until 1993, when the City finally designated it as a Landmark Historic District and provided single family zoning for the area. Despite these protections, the City has recognized that Tenth Street is currently in danger of being irreplaceably lost from severe deterioration without the support of additional resources. DALL. CITY CODE ART. XI § 51A-11.102(4.1). One of the issues facing Tenth Street is the City's demolition of its abandoned homes.

Prior to 2010, all demolitions of historic homes in Dallas were processed under Dallas City Code 51A-4.501(h) ("4.501(h)"). Now, it is used for non-residential structures and homes greater than 3,000 square feet. 4.501(h) requires the City or a property owner seeking to demolish a residential structure to submit an application to the Landmark Commission indicating that "the demolition or removal is sought for one or more of the following reasons:"

> (i) To replace the structure with a new structure that is more appropriate and compatible with the historic overlay district.
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> (ii) No economically viable use of the property exists.
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> (iii) The structure poses an imminent threat to public health or safety.
>
> (iv) The structure is noncontributing to the historic overlay district because it is newer than the period of historic significance.

DALL. CITY CODE § 51A-4.501(h).

The Landmark Commission is required to deny the application for demolition unless the applicant proves specific factors bespoke to the reason the applicant is seeking demolition. *Id.* § 4.501(h)(4)(A)—(D). For example, the Landmark Commission must deny an application to demolish or remove a structure that purportedly "poses an imminent threat to public health or safety" unless it finds that:

> (i) the structure constitutes a documented major and imminent threat to public health and safety;
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> (ii) the demolition or removal is required to alleviate the threat to public health and safety; and
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> (iii) there is no reasonable way, other than demolition or removal, to eliminate the threat in a timely manner.

Id. § 4.501(h)(4)(C). From 1993 to 2010, when 4.501(h) was the exclusive procedure by which demolitions were carried out in the City, the City approved 41 demolitions on Tenth Street.

On June 23, 2010, the City amended its Code to include ordinance 4.501(i). The stated purpose of the new ordinance was to create a less burdensome procedure for the demolition of historic homes under 3,000 square feet. To that end, 4.501(i) allows the City to obtain an approved certificate of demolition from the Landmark Commission after it receives a court order that the structure is an urban nuisance. *Id.* § 51A-4.501(i)(3). An urban nuisance can be established by proving, by a preponderance of the evidence, that the structure "is dilapidated, substandard, or unfit for human habitation and a hazard to public health, safety, and welfare." *Id.* § 27-3(40)(A). After the applicant notifies the Landmark Commission of the court order, the Commission conducts a public hearing where it must determine that

suspension of the demolition is not a feasible option to alleviate the public nuisance in a timely manner. *Id.* § 4.501(i)(6)—(7). But the Landmark Commission must afford deference to the court order, so it has little to no discretion to do anything but approve the demolition. The only way to suspend a demolition once the 4.501(i) process has been initiated is to intervene as an "interested person," which requires:

> [1] submit[ing] an application for a predesignation certificate of appropriateness or a certificate of appropriateness;
>
> [2] provid[ing] evidence that the interested party has or will obtain title to the property and has authority to rehabilitate the structure, or is authorized to rehabilitate the property by a party who has title to the property or has the right to rehabilitate the property; [and]
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> [3] provid[ing] evidence that the structure and property have been secured to prevent unauthorized entry[.]

Id. § 51A-4.501(i)(8)(A)(ii). An interested person must also provide an agreement that: (1) contains a covenant to rehabilitate the structure by a specific date in accordance with the Commission certificate; (2) is backed by a performance and payment bond, letter of credit, or other similar enforceable arrangement; and (3) is approved as to form by the city attorney. *Id.* If no interested party is identified, the demolition will be carried out.

Because Tenth Street wholly comprises homes under 3,000 square feet, all demolition applications for these homes are sought under 4.501(i). One TSRA member attempted to become an interested person under 4.501(i) to prevent demolitions on three homes, but his efforts were unavailing. For at least one of the homes, he was unable to find the property owner and obtain clear title to the property, a common issue facing interested person applicants.

Per the City's Historic Preservation Officer, the homes on Tenth Street have deteriorated into urban nuisances largely due to these absentee homeowners:

> Settled as a Freedmen's Town, the Tenth Street area in east Oak Cliff was designated a neighborhood worth preserving in 1993. However, as long-time families died off or left the area, properties have been sold off to absentee landlords or to new residents who simply don't know or care about the unique history of the neighborhood. Inappropriate alterations made to the remaining housing stock, lax code enforcement, and demolitions by the dozens (usually under the auspices of the city) resulted in a once proud neighborhood on the brink of losing landmark status.

Since 2010, by way of 4.501(i), the City has received 32 certificates of appropriateness for demolition of structures on Tenth Street from the Commission, 17 of which have been carried out. In comparison, only one demolition was authorized in all of the six predominantly white non-Hispanic historic districts. Tenth Street residents complain that the large number of vacant lots has "attracted illegal dumping . . . [and] increase[d] trash, crime, [] other illegal activity," caused trespassing, homeless persons camping on the lots, and the presence of drug paraphernalia in the District.

To incentivize restoration of these historic homes, the City uses a tax exemption program. Specifically, in endangered and revitalizing historic districts, like Tenth Street, owners become eligible to receive an exemption from City property taxes of 100 percent of the property's value if the cost of rehabilitation exceeds 25 percent of the pre-rehabilitation value of the structure, excluding the value of the land. DAL. CITY CODE § 51A-11.205. Because the tax program is tied to property values, TSRA members who own smaller, less valuable homes necessarily receive lower exemption amounts

than those in other neighborhoods who own larger homes with higher property values.[1]

TSRA filed for injunctive relief against the City in the Northern District of Texas on January 24, 2019, alleging violations of the Fair Housing Act,[2] § 1982, and the Equal Protection Clause. Specifically, TSRA claimed that 2010 Amendment to the city code, 4.501(i), and the City's failure to provide equal services was intentional discrimination on the basis of race or, alternatively, that the policies caused a disparate impact on African American and Latino residents. The City filed a motion to dismiss for lack of jurisdiction and for failure to state a claim. The district court granted the City's motion to dismiss without prejudice, and TSRA timely filed its notice of appeal.[3]

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[1] TSRA proffered evidence that the Wheatley Place Historic District, which is a neighborhood with a predominantly white population with houses over 3,000 square feet, had a tax abatement subsidy from 2014 to 2018 of $300,000. Tenth Street's tax abatement subsidy from the same time was just $2,430.

[2] TSRA alleged violations under 42 U.S.C. §§ 3604(a) and 3605. TSRA argues that the implementation of 4.501(i) violated section 3604(a), which makes it unlawful "[t]o refuse to . . . make unavailable . . . a dwelling to any person because of race, color, religion, sex familial status, or national origin." *Id.* § 3604(a).

Section 3605 similarly makes it "unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race color, religion, sex, handicap, familial status, or national origin." *Id.* "Residential real estate-related transaction" includes "making available . . . financial assistance . . . for . . . improving, repairing, or maintaining a dwelling." *Id.* § 3605(b)(1). The City argues that TSRA waived this claim on appeal. It is true that TSRA neglected to cite § 3605 in its opening brief before this court, but it did specifically identify error in the district court's analysis of the tax exemption policy, the policy it contends violated § 3605, so we will address it.

[3] In August 2019, the City Council by unanimous resolution instructed the City Manager not to spend any city funds or resources to demolish structures within Tenth Street, except where the fire marshal determines that conditions are hazardous to life or property and present a clear and present danger. Per the City's own brief, the City is "not currently authorized to use funds or resources to demolish houses in Tenth Street under" either the 4.501(i) or 4.501(h). The City argues that the 2019 Resolution renders TSRA's claims moot, but we need not reach this issue because we dismiss the claims on other grounds.

II.

"Jurisdictional questions are questions of law, and thus reviewable *de novo* by this Court." *Pederson v. La. State Univ.*, 213 F.3d 858, 869 (5th Cir. 2000) (citations omitted). However, we review those jurisdictional findings of fact for clear error.[4] *Robinson v. TCI/US W. Commc'ns Inc.*, 117 F.3d 900, 904 (5th Cir. 1997). "[A] finding is 'clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *Anderson v. City of Bessemer City*, 470 U.S. 564, 573 (1985) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)). In deciding a motion to dismiss for lack of subject matter jurisdiction, a court may consider "(1) the complaint alone; (2) the complaint supplemented by undisputed facts; or (3) the complaint supplemented by undisputed facts plus the court's resolution of disputed facts." *Robinson*, 117 F.3d at 904.

III.

Article III of the Constitution limits federal courts' jurisdiction to certain "Cases" and "Controversies." *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 408 (2013). The doctrine of standing is "an essential and unchanging part of the case-or-controversy requirement of Article III." *Lujan v. Defenders of Wildlife,* 504 U.S. 555, 560 (1992). Therefore, to invoke the jurisdiction of the federal courts, a claimant must satisfy the three well-known requirements of standing:

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[4] TSRA contends that the district court misapplied the 12(b)(1) standard by resolving disputed facts against it. We disagree. The court's only findings, including that the threat of demolitions was not imminent, were undisputed facts or conclusions of law. But even if the court did err, we "need not accept the district court's rationale and may affirm on any grounds supported by the record." *McGruder v. Will,* 204 F.3d 220, 222 (5th Cir. 2000).

> First, the plaintiff must have suffered an "injury in fact"—an invasion of a legally protected interest which is (a) concrete and particularized; and (b) "actual or imminent, not conjectural or hypothetical."
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> Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be "fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the court."
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> Third, it must be "likely," as opposed to merely "speculative," that the injury will be "redressed by a favorable decision."

N.A.A.C.P. v. City of Kyle, Tex., 626 F.3d 233, 237 (5th Cir. 2010) (citing *Lujan*, 504 U.S. at 560-61) (cleaned up).

The district court found, and the City argues, that TSRA does not have standing to assert its claims under the Fair Housing Act or its §§1982 and 1983 claims. We agree.

A. Fair Housing Act

Title VIII of the Civil Rights Act of 1968, more commonly known as The Fair Housing Act ("FHA"), broadly prohibits discrimination in housing on the basis of race, color, religion, sex, familial status, or national origin. 42 U.S.C. § 3601 et. seq. The FHA permits any "aggrieved person" to bring a housing-discrimination lawsuit. *Id.* § 3613(a). An "aggrieved person" includes any person "who claims to have been injured by a discriminatory housing practice" or believes that such an injury is "about to occur." *Id.* § 3602(i). Courts have interpreted this language to define standing under the FHA as "broadly as is permitted by Article III of the Constitution." *Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205, 209 (1972). That means prudential limits on standing are not

imposed, and third parties may bring claims on behalf of other persons. *Hanson v. Veterans Admin.*, 800 F.2d 1381, 1384 (5th Cir. 1986).

The Supreme Court recently clarified, however, that even where (as here) Congress has abrogated prudential standing, a plaintiff may state a cause of action only when the interests in the litigation "fall within the zone of interests protected by the law invoked." *Bank of Am. Corp. v. City of Miami*, 137 S. Ct. 1296, 1303 (2017) (internal citations omitted); *see also Fed. Defs. of New York, Inc. v. Fed. Bureau of Prisons*, 954 F.3d 118, 127–28 (2d Cir. 2020). We must "us[e] traditional tools of statutory interpretation" to determine "whether a legislatively conferred cause of action encompasses a particular plaintiff's claim." *Bank of Am. Corp.,* 137 S. Ct. at 1303 (citing *Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 126-27). Thus, in addition to the Article III requirements, TSRA's claims must also meet the "zone-of-interest" test.

1. Injury-in-fact

An organization like TSRA can establish the first standing element, injury-in-fact, under two theories: "associational standing" or "organizational standing." *OCA-Greater Houston v. Texas*, 867 F.3d 604, 610 (5th Cir. 2017). Associational standing requires that the individual members of the group each have standing and that "the interest the association seeks to protect be germane to its purpose." *Id.* Organizational standing, on the other hand, does not depend upon the standing of the organization's members. *Id.* The organization can establish standing in its own name by meeting the same standing test that applies to individuals. *Id.* TSRA asserts injuries under both theories.

Specifically, TSRA contends that the City's demolition and historic tax credit policies (1) make it more difficult for TSRA to fulfill its organizational

role; (2) detrimentally impact the ambiance of the historic neighborhood, reduce property values, and threaten the neighborhood's designation as a historic district; and (3) pose an imminent threat to each member's home.

We turn first to TSRA's purported organizational injury—that it has been required to divert resources from its mission to "attend City Landmark Commission meetings to testify in opposition [to the demolition policy and] . . . to intervene in pending demolition cases . . . to try to preserve the structures." The Supreme Court has recognized that when an organization's ability to pursue its mission is "perceptibly impaired" because it has "diverted significant resources to counteract the defendant's conduct," it has suffered an injury under Article III. *City of Kyle*, 626 F.3d at 238 (citing *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982)). But we are unconvinced that TSRA's efforts to oppose 4.501(i) detract or "differ from its routine [] activities." *City of Kyle*, 626 F.3d at 238.

First, the time spent attending meetings and one member's efforts intervening as an interested party do not constitute "significant resources." *Louisiana ACORN Fair Hous. v. LeBlanc*, 211 F.3d 298, 305 (5th Cir. 2000) (denying organization standing where plaintiff alleged that it held a meeting, sent out interorganizational emails, drafted a two-page speech, obtained minutes of a zoning commission meeting, and generally "spent significant time on the revised ordinances."). Second, TSRA's overall mission to "prevent speculation and gentrification" on Tenth Street is aligned with and furthered by its efforts to thwart demolitions on Tenth Street. Critically, TSRA provided no evidence that its members were required to forego other projects or causes as a result of its anti-demolition campaign. *Louisiana ACORN*, 211 F.3d at 305 (finding no organizational injury where plaintiff-organization failed to, inter alia, "mention[] any specific projects [it] had to put on hold"). TSRA has

established "[a]t most, . . . 'a setback to the organization's abstract social interests,'" but not an injury-in-fact. *City of Kyle*, 626 F.3d at 239 (quoting *Havens Realty,* 455 U.S. at 379).[5]

TSRA's remaining injuries—depreciation of neighborhood aesthetics and property value and the threat of demolition—are pled under the associational injury theory. Meaning, these injuries must be sufficient to confer standing to the individual members to sue in their own right. *See Ass'n of Am. Physicians & Surgeons, Inc. v. Texas Med. Bd.*, 627 F.3d 547, 550 (5th Cir. 2010). We agree with the district court that the alleged threat of demolition does not. TSRA did not offer any evidence to support its claim that the houses were subject to an "imminent" threat of demolition but instead conceded that none of the houses were currently "in the demolition approval process." The chance of demolition is more remote, now, since the passage of the City's 2019 Ordinance prohibiting its funds from going towards Tenth Street demolitions. *Stringer v. Whitley*, 942 F.3d 715, 720–21 (5th Cir. 2019) (requiring at least a "substantial risk" that an injury will occur). Such a remote possibility of harm fails *Lujan*'s imminence requirement. *Lujan,* 504 U.S. at 560.

Thus, TSRA's only remaining viable injuries are the overall blight in the neighborhood, the devalued property values, and the threat to its status as a historic district.

We first ask whether such injuries are within the "zone-of-interest" of the FHA. In *Bank of Amer.*, the Supreme Court considered whether the

[5] TSRA also asserts that the demolition of homes reduces the number of homeowners eligible for and likely to be members of the association. But they provide no evidence that the homeowners of the demolished homes were members and no evidence of potential homeowners being thwarted in their efforts to purchase a home. This injury requires far more speculation than Article III standing would allow. *Lujan,* 504 US at 560-61 (The injury in fact must be "actual or imminent, not conjectural or hypothetical") (internal citations and quotations omitted).

plaintiff-City had standing to sue under the FHA where it alleged that the defendant-banks intentionally "targeted predatory practices at African-American and Latino neighborhoods and residents" resulting in a "concentration of foreclosure and vacancies in those neighborhoods," 137 S. Ct. at 1304. The concentration of foreclosures and vacancies "caused stagnation and decline in African American and Latino neighborhoods"; "hindered the City's efforts to create integrated, stable neighborhoods"; and "reduced property values, diminishing the city's property-tax revenue and increasing demand for municipal services." *Id.* The Court did not define the outer limits of the FHA's zone of interest, but it did hold that the City's financial injuries—lost tax revenue and extra municipal expenses—"fall within the FHA's zone of interests, as we have previously interpreted that statute." *Id.* at 1305.

In this light, we find that TSRA's injuries—which similarly include "decline in [the] African American and Latino neighborhood[]" and "reduced property values"—arguably fall within the FHA's zone of interests. *Id.* at 1305. That TSRA's injuries do not necessarily stem from racial steering and segregation does not change our analysis. Such a consideration was not dispositive in *Bank of Am. Corp.,*[6] and we are compelled by principles of *stare decisis* where the Court has found similarly situated plaintiffs have standing to sue under the FHA. *Id.* at 1305.

Whether TSRA's financial and aesthetic injuries are also concrete and particularized and actual or imminent is not as readily determinable. We will assume, without deciding, that they were. *Havens Realty*, 455 U.S. at 377 ("[T]he loss of social, professional, and economic benefits resulting from steering practices constitutes palpable injury."). Even so, TSRA cannot

[6] *See id.* at 1310-11 (Thomas, J., dissenting).

overcome the City's motion to dismiss because TSRA cannot prove that these injuries are traceable to the alleged misconduct or that this injury would likely be redressed by a judgment in its favor.

2. Traceability

Traceability requires that TSRA's injury be causally connected to the City's alleged misconduct. Our analysis here is again guided by *Bank of Am. Corp.,* where the Supreme Court held that because "the housing market is interconnected with economic and social life[, a] violation of the FHA may [] be expected to cause ripples of harm to flow far beyond the defendant's misconduct," 137 S. Ct. at 1306. But the FHA was not intended "to provide a remedy wherever those ripples travel." *Id.* The Court apropos admonished that where an injury is merely a "foreseeable" result of the misconduct, it is insufficient to establish proximate cause. *Id.* But beyond that, it was left to the district and circuit courts to "define . . . the contours of proximate cause under the FHA." *Id.*

We do not set out to define the exact point at which a claim becomes "too remote from the defendant's unlawful conduct," but we are confident that TSRA's claim lies beyond it. *Id.* (internal quotations omitted). TSRA's theory of causation goes like this: the City enacted 4.501(i); the implementation of 4.501(i) caused the rate of demolitions and number of vacant lots on Tenth Street to increase; and the increased vacant lots on Tenth Street cause neighborhood deterioration, both financially and aesthetically, and threaten its status as a historic district. In support, TSRA proffered evidence that the rate of *approved* demolitions increased after 2010 and the enactment of 4.501(i). But TSRA's own evidence demonstrates that the rate of demolitions *carried out* by the City actually declined after 2010. From 1993 to 2010, the City conducted 56 demolitions, or 3.2 demolitions per year; from 2010 to 2019,

it conducted 17, or 1.4 per year.[7] That the 4.501(i) procedure actually caused a lower rate of demolitions per year undermines the second link in TSRA's chain of causation. If increased demolitions cannot connect the implementation of 4.501(i) to TSRA's injuries, this Court is left with nothing but speculation to bridge that gap. Because TSRA failed to prove that there is the "direct relation between the injury asserted and the injurious conduct alleged" it does not have standing to bring its claims.[8] *Holmes v. Securities Investor Protection Corp.,* 503 U.S. 258, 268 (1992).

3. Redressability

Finally, TSRA lacks standing for the additional reason that there is no "likelihood that the requested relief will redress the alleged injury." *Aransas Project v. Shaw*, 775 F.3d 641, 648 (5th Cir. 2014). On appeal, TSRA defended only its claim for injunctive relief requiring "all historic preservation demolition requests to be processed under the procedures and standards of 4.501(h)." It also omitted an explanation of how this relief would redress the harms caused by the City's historic tax credit policy. TSRA has therefore abandoned, and we will not consider, any arguments that other declaratory or injunctive remedies could have redressed its harms or that its tax credit policy

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[7] TSRA offered evidence that 73 demolitions have occurred on Tenth Street since 1993; 17 of which occurred under the 4.501(i) regime began in 2010. The remaining 56 demolitions necessarily took place under 4.501(h) from 1993—2010. In its reply brief, TSRA proffered that 41 demolitions were approved from 1993—2010. But even if this were the case, the rate of demolitions would still be 2.4 per year—higher than the 1.4 rate for those years after 2010. Our analysis remains apt.

[8] We also note that TSRA has failed to explain how its injuries are more directly caused by the vacant lots on the street than the dilapidated homes. Even under 4.501(i), the City must prove by preponderance of the evidence that the structure is "dilapidated, substandard, or unfit for human habitation and a hazard to public health, safety, and welfare" before it is demolished. We cannot see how a home that is "unfit for human habitation" would not afflict property values more than a vacant lot would. And *Lujan* mandates that the injury must not be the result of the independent action of some third party not before the court, like the absentee homeowners, here. 504 U.S. at 560.

injuries are redressable. *Cinel v. Connick*, 15 F.3d 1338, 1345 (5th Cir. 1994) ("An appellant abandons all issues not raised and argued in its *initial* brief on appeal.") (emphasis original).

Unfortunately for TSRA, the argument it did preserve lacks merit. TSRA posits that its requested relief—requiring all demolitions to be processed by 4.501(h)—would reduce the demolitions and cure the plight of Tenth Street. But as established above, there were more demolitions carried out per year under 4.501(h) than under 4.501(i). Under TSRA's theory that increased demolitions cause neighborhood deterioration, requiring compliance under 4.501(h) would not be the antidote for its malady. We are also skeptical that enjoining demolitions under 4.501(i) would avoid further decline in the neighborhood. As discussed, Tenth Street homes fall into a state of disrepair oftentimes due to absentee homeowners' neglect. *Supra* at § I. Implementing 4.501(h) would do nothing to help save additional homes from decrepitude or restore current decrepit conditions. *James v. City of Dallas, Tex.*, 254 F.3d 551, 567 (5th Cir. 2001), *abrogated on other grounds by M.D. ex rel. Stukenberg v. Perry*, 675 F.3d 832, 839–41 (5th Cir. 2012) (finding traceability wanting where "the broad relief requested [] does not address the particular injury suffered by these [] Plaintiffs").

B. Sections §§ 1982 1983

The Article III standing requirements apply with equal force to TSRA's §§ 1982 and 1983 claims. *See United States v. Hays*, 515 U.S. 737, 743 (1995); *Warth v. Seldin*, 422 U.S. 490, 514 (1975). We have found that TSRA cannot prove that it suffered an injury that was traceable to the City's alleged misconduct or that its injuries would likely be redressed by judgment in its favor. TSRA did not put forth any separate theories of standing for its §§ 1982

or 1983 claims. Therefore, even assuming that TSRA established a constitutional injury-in-fact for purposes of §§ 1982 and 1983, these claims would likewise suffer the same traceability and redressability defects as its FHA claims.

IV.

Because TSRA has failed to establish Article III standing for its FHA or its §§ 1982 and 1983 claims, the judgment of the district court dismissing TSRA's claims is AFFIRMED.

W. EUGENE DAVIS, Circuit Judge, concurring in the judgment:

While I agree that TSRA does not have standing to pursue its claims, I would affirm the district court's judgment based on the lack of a threatened, imminent injury.

In *Stringer v. Whitely*, 942 F.3d 715 (5th Cir. 2019), this court recently addressed the requirements for Article III standing in cases involving requests for injunctive relief (the only relief TSRA seeks here). We observed that requests for injunctive relief "implicate the intersection of the redressability and injury-in-fact requirements." *Id.* at 720. We noted that because injunctive relief cannot remedy past wrongs, "plaintiffs seeking injunctive . . . relief can satisfy the redressability requirement only by demonstrating a continuing injury or threatened future injury." *Id.* And, "[f]or a threatened future injury to satisfy the imminence requirement, there must be at least a 'substantial risk' that the injury will occur." *Id.* at 721 (quoting *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014)). Such risk must be "sufficiently imminent." *Susan B. Anthony List*, 573 U.S. at 159.

No pending application has been made by the City for demolition of any residence in Tenth Street. Even if such application were made, a demolition could only occur following a court order and approval by the commission. The lack of an impending, imminent demolition is made even further speculative by the City's resolution that it will no longer provide funds for demolitions within Tenth Street. Because § 4.501(i) does not pose a threatened or sufficiently imminent future injury, TSRA has not shown a redressable injury under Article III.