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SCOTUS Opinion: Court Permits Fifth Amendment Takings Claim Without First Seeking Compensation Under State Law

21 Jun 2019

In the prior case of *Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985), the Court ruled that before a property owner could bring a federal action against a state under the Takings Clause of the Fifth Amendment, the owner had to first seek just compensation under state law in state court. In *Knick v. Township of Scott, Pennsylvania*, the township passed an ordinance requiring all cemeteries to be open to the public during daylight hours. Rose Mary Knick had a small family graveyard on her 90-acre rural property, and was told she was violating the ordinance by not making it open to the public. She did not seek compensation through state court, but filed a federal action under the Takings Clause. The lower courts, applying *Williamson*, dismissed her claim. The Court, in a 5-4 decision authored by Chief Justice Roberts, reversed, overruling the state court claim requirement of *Williamson*, and holding that a federal Takings Clause claim could be brought immediately. The majority noted that the *Williamson* decision created unintended consequences that precluded property owners from obtaining federal relief, and was poor reasoned and contradicted in subsequent cases. Justice Kagan, joined by Justices Ginsburg, Breyer, and Sotomayor, dissented, arguing that the majority's decision conflicted with the history of the Takings Clause and will leave government regulators with "no way to avoid violating the Constitution." A link to the opinion is here.

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TAGGED: scotus, SCOTUS opinion, Fifth Amendment, Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City, Takings Clause, Knick v. Township of Scott Pennsylvania